

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION 1983
SPECIAL SESSIONS 1983
REGULAR SESSIONS 1983
VOL. II



GEORGE C. WALLACE, Governor
WILLIAM J. BAXLEY, Lieutenant Governor
JOHN A. TEAGUE, President Pro-Tem of the Senate
TOM DRAKE, Speaker of the House
ROY JOHNSON, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1983 Organizational Session, Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

SECTION 8. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law; but the taxes levied by this act shall not go into effect, or become effective, until the date specified in subsection (a) of Section 3 of this act.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-532

H. 609—Reps. Penry, McMillan

AN ACT

Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Baldwin County.

Section 2. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, providing for the levy of a state sales tax shall, wherever used in this act, have the same meanings respectively ascribed to them in said sections, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections, which expressly set forth any exemptions from the computation of the tax levied by said sections and all other statutes which expressly apply to, or purport to affect, the administration of said sections and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

“Month” means the calendar month;

“County” means Baldwin County.

Section 3. The county commission is hereby authorized with or without a referendum of the people, to levy and impose, in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas at the rate of 1% of the gross proceeds of sales or receipts. At its discretion, the county commission is hereby authorized to conduct a referendum election on the issue of an additional sales tax in any manner which it deems appropriate and the costs of such election shall be paid from the county general fund.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 4. The sales taxes authorized to be levied in Section 3 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the months in which the tax accrues. All taxes levied in this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax. On or prior to the due dates of the tax herein levied each person subject to such tax shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and gross receipts of all such business transactions. Such report shall also include such other items of information pertinent to the said tax and the amount thereof as the state department of revenue may require. Any person subject to the tax levied may defer reporting credit sales until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the Baldwin County Commission, or its designated agent, at reasonable times during business hours.

Section 5. Each person engaging or continuing within Baldwin County in a business subject to the tax levied in Section 3 of

this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said sale or admission. It shall be unlawful for any person subject to the tax levied to fail or refuse to add on the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. The tax authorized to be imposed by this act shall constitute a debt due Baldwin County and may be collected as provided by law. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due to this state shall apply fully to the collection of the tax herein levied, and the state department of revenue, for the use and benefit of Baldwin County shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for Baldwin County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, penalties for failure to pay the tax, the promulgation of the rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax authorized to be levied in Section 3 of this act shall apply to the county tax levied under this act. The state commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed on such commissioner and department, respectively, by the state tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and

enforcement of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge Baldwin County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the Baldwin County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Baldwin County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Baldwin County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Baldwin County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Baldwin County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. All revenues arising from the taxes herein authorized to be levied shall be distributed as follows: (a) Fifty-five percent (55%) shall be distributed to the Baldwin County board of education to be utilized exclusively for capital improvement, capital construction and maintenance purposes; (b) five percent (5%) shall be distributed to Faulkner State Junior College in Bay Minette to be used as other appropriations to said school are used; and (c) forty percent (40%) shall be deposited in the general fund of the county to be expended as other county funds. Provided, however, in the initial fiscal year that this sales tax is levied, prior to any distribution provided herein, a one-time disbursement of two percent (2%) of all revenues arising from said tax shall be appropriated for the erection of a suitable county animal pound as provided in Section 3-7-7, Code of Alabama 1975. Said one-time two percent (2%) appropriation shall be made only during the fiscal year that the sales tax provided by this Act is implemented.

Section 9. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-533

H. 638—Rep. Turner

AN ACT

Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary between Mobile County and Baldwin County is hereby defined as follows, to wit:

Beginning at a point at the three mile limit in the Gulf of Mexico, said point designated by Alabama State Coordinates, North 53,249.34, East 330,549.12; thence on a grid bearing and distance of N. 0° 12'29.8" E., 27,750.84 feet to a point in the center of the existing ship channel between Fort Morgan and Dauphin Island; thence on a grid bearing and distance, N. 5°59'52.32" E., 113, 115.77 feet to a point of intersection with the arc of a curve, said curve having a radius point with grid coordinates of, North 188,705.16, East 348,236.48, said curve having a central angle of 7°00'31.74", and a radius of 7,497.60 feet; thence along the arc of said curve to the right 917.16 feet to the point of reverse curvature of a curve to the left having a radius of 6,758.40 feet; thence along the arc of said curve to the left 5,238.49 feet to the point of tangency; thence on a grid bearing and distance of N. 2°19'11.76" E., 27,516.37 feet to the point of curvature of a curve to the left having a radius of 82,375.03 feet; thence along the arc of said curve to the left 9,468.04 feet to the point of compound curvature of a curve to the left having a radius of 5,280.00 feet; thence along the arc of said curve to the left 6,149.77 feet to the point of tangency; thence on a grid bearing and distance of N. 75°38'21.96" W., 686.40 feet to the point of curvature of a curve to the right having a radius of 1,372.80 feet; thence along the arc of said curve to the right 2,558.58 feet to a point in the center of the Tensaw River; thence northwardly along the center of the junc-

tion of the Tensaw River and the Spanish River to a point in the center of the Spanish River, thence northwardly along the meanders of the center of the Spanish River to its junction with the center of the Mobile River; thence continuing northwardly along the meanders of the center of Mobile River to its junction with Little Lizzard Creek; thence northeastwardly along the meanders of the center line of said Little Lizzard Creek to its junction with Middle River; thence northwardly along the meanders of the center line of said Middle River to its junction with the Tensaw River; thence northwardly along the meanders of the center line of said Tensaw River to its junction with the Alabama River and the Tombigbee River; thence northwardly along the meanders of the center line of the Tombigbee River to its intersection with the Washington County Boundary Line in Fractional Section 6, Township 2 North, Range 1 East.

Section 2. That the South boundary of Mobile County, Alabama, from the West boundary of Baldwin County to the East boundary of Jackson County, Mississippi, is hereby defined as follows:

Beginning at a point on the Alabama three mile limit in the Gulf of Mexico south of Fort Morgan, said point being designated by Alabama State Coordinates North 53,249.34, East 330,549.12; thence westwardly along said Alabama three mile limit in the Gulf of Mexico to the boundary line between the State of Alabama and the State of Mississippi.

Section 3. That the Southboundary of Baldwin County, Alabama, from the East boundary of Mobile County to the West boundary of Escambia County, Florida, is hereby defined as follows:

Beginning at a point on the Alabama three mile limit in the Gulf of Mexico south of Fort Morgan, said point being designated by Alabama State Coordinates North 53,249.34, East 330,549.12; thence eastwardly along said Alabama three mile limit in the Gulf of Mexico to the east boundary line between the State of Alabama and the State of Florida.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-534

H. 639—Reps. Carter, Butler

AN ACT

Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Applicability. The provisions of this act shall apply to Limestone County.

Section 2. Definitions. (1) "Board" shall mean county rehabilitation board, and shall be composed of five (5) members as follows: Chairman of county commission, the probate judge of the county; the sheriff of the county, the circuit court clerk of the county, and the superintendent of education.

(2) "Inmate" shall mean any person, male or female, convicted of a crime and sentenced to the county jail.

Section 3. Administration and Procedures. The board shall adopt written procedures of operation and administration and shall elect one of its members as chairman on an annual basis. Meetings shall generally be conducted in accordance with Roberts Rules of Order.

Any rules, regulations or policies promulgated by the board shall be written upon the minutes of the board, and shall be acknowledged and signed by each member of the board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner pursuant to the provisions of this act.

Inmates shall participate in paid employment at the discretion of the board.

Section 4. Extended Limits of Confinements. The Board shall also adopt such written regulations and policies permitting the sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county jail unaccompanied by a custodial agent for a

prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment, and thereto and therefrom.

Section 5. Wages. The employer of an inmate involved in work release shall pay the inmate's wages direct to the board. The board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The board shall be authorized to withhold from the inmate's gross earnings, 25% to 50%, as they deem appropriate, to pay such cost incident to the inmate's confinement as the board may specify. The board may adopt policies to allow such monies to be spent for law enforcement and operation of the jail exclusively. After the aforementioned deductions have been taken from the inmate's gross pay, the following disposition of all or part of the remainder of the inmate's earnings shall be made by the board:

a. Pay to the clerk of the court for restitution to the victim(s) the amount which has been ordered by the circuit or district court.

b. Pay to the clerk of the court or the department of pensions and security for child support the amount which has been ordered by the circuit, juvenile, or district court.

c. Pay to the clerk of the court for other purposes the amount which has been ordered by the circuit or district court under the laws of Alabama.

d. Pay to the family of the inmate provided the inmate gives written consent prior to the inmate's release into the work program.

e. Deposit remainder of inmate's earnings to an account in a local bank, and upon his or her release from confinement, turn remainder over to inmate.

The board shall pay items a, b, and c prior to paying d and e above. In the event the court(s) have ordered payments under more than one item, the board shall petition the court to establish priority of payment.

Section 6. Escape. The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff to the county jail shall be deemed as an escape from the custody of said sheriff and shall be punishable as provided by law for escaped prisoners.

Section 7. Investigation and Recommendation. Employees of the board or persons designated by the board are authorized to make investigation and recommendations pertaining to the validity of requests for job opportunities for inmates and to otherwise assist the sheriff in the implementation of the program herein authorized.

Section 8. Securing Employment. The board or members of the board shall endeavor to secure employment for eligible inmates under this act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of currently employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairment of any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might affect the community, the inmates, or the board.

Section 9. The board may, at its discretion, allow any inmate, between the ages of 14 and 22 only, to participate in the release program to further the inmate's education. Under this section the inmate must follow all the rules set forth for other inmates participating in the work release program.

Section 10. Furloughs. The board may adopt rules and allow the sheriff to grant furloughs or leave time not to exceed three days or 72 hours for inmates that the board deems deserving, subject to the following restriction:

Each furlough can only be granted with the recommendation of the sheriff and must be approved in writing and signed by a majority of the board members granting and approving such furlough.

Section 11. Inmate not an Agent of State or County. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the board, state, county, or municipality while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 12. Annual Report. The sheriff or person or persons designated by the board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year, a copy of said report shall be filed with each of the following persons or agencies: the board, the governing bodies to which this act applies and to the circuit and district judges serving Limestone County. This report shall include but not be limited to the prior year activities including number of inmates participating in program, monies earned and disposition thereof, general effectivity of program, and any recommendation for the current year's activities and other pertinent information.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-535

H. 640—Reps. Carter, Butler

AN ACT

Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 79-501, S. 620, 1979 Regular Session, as amended, is hereby further amended to read as follows:

“Section 1. Upon receipt by Limestone County of funds pursuant to Title 40, Chapter 28 of the Code of Alabama 1975 (Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, page 1787), as amended, Limestone County will, within a reasonable time thereafter, distribute said funds so received as follows:

“(a) Through September 30, 1981, all such funds shall be distributed as prescribed by Act No. 79-501, S. 620 of the 1979 Regular Session (Acts 1979, p. 914);

“(b) Effective October 1, 1981, and thereafter, the said funds shall be distributed as follows:

“Limestone County General Fund 25.00%

“Limestone County Public Building Fund 10%

“Special Hospital Tax Fund 8%

“County-Wide School Fund 20.50%

“School-District I 9.00%

“School District II 6.00%

"City of Athens 20.00%

"City of Ardmore 1.00%

"City of Elkmont .38%

"City of Mooresville .06%

"City of Lester .06%

"(c) Provided, however, effective October 1, 1982, the allocations shall be the same as provided in subsection (b), except, Special Hospital Tax Fund shall receive 7.00% and the County-Wide School Fund shall receive 21.50%; effective October 1, 1983, the allocations shall be the same as provided in subsection (b), except the Special Hospital Tax Fund shall receive 6.00% and the County-Wide School Fund shall receive 22.50%; and effective October 1, 1984, and thereafter, the allocations shall be the same as provided in subsection (b), except the Special Hospital Tax Fund shall receive 5.00% and the County-Wide School Fund shall receive 23.50%."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-536

H. 790—Reps. Zoghby, Clikas, Clark,
Turner, Kvalheim, Gaston,
Harper, Kennedy

AN ACT

Relating to Mobile County; providing for an annual distribution to Mobile United, Inc., from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. The amount of \$10,000 shall be distributed annually to Mobile United, Inc. from the funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-537

H. 13—Rep. Flowers

AN ACT

Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pike County, the county commission is hereby authorized to employ a deputy tax assessor, a deputy tax collector and a deputy clerk of the circuit court. Said employees shall serve at the pleasure of the county commission and the compensation of said employees shall be set by the county commission.

Section 2. The county commission is hereby authorized to employ clerks to assist the tax assessor, the tax collector and the probate judge in the performance of their official duties. The number of said clerks shall be established by the county commission. Said clerks shall serve at the pleasure of the county commission and the compensation of said clerks shall be set by the county commission.

Section 3. The county commission is also hereby authorized to hire such additional part-time employees for any county department as the commission deems necessary. Such part-time employees shall serve at the pleasure of the county commission and compensation of said part-time employees shall be set by the county commission.

Section 4. The compensation of all employees authorized to be hired under the provisions of this act shall be payable in equal monthly installments from the county general fund or from any funds available for use by the county.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013), are hereby repealed.

Section 6. The operation of this act shall be retroactive to August 24, 1976 and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-538

H. 29—Rep. Turner

AN ACT

Relating to Washington County; to provide for the election of members of the county commission by districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office, the members of the Washington County Commission shall be elected by districts. Said districts shall be formulated by the Washington County Probate Judge and approved by a majority vote of the present county commission. Said district plans shall be recorded with the Secretary of State six months prior to any election. Each county commissioner, when he is elected and throughout the time in which he serves, shall reside in and be a qualified elector of the district which he represents and shall be elected only by the qualified electors of his respective district.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-539

H. 30—Rep. Turner

AN ACT

To provide an additional expense allowance for the coroner of Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county coroner of Washington County shall be entitled to receive an additional expense allowance in the amount

of \$250 per month to be paid out of the county general fund. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-540

H. 31—Rep. Turner

AN ACT

Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Be It Enacted for the Legislature of Alabama:

Section 1. Section 1 of Act No. 503, H. 1005 of the 1978 Regular Session is hereby amended to read as follows:

“Section 1. The county governing body of Washington County shall provide such an additional amount of daily compensation as is necessary to grant each poll worker and poll official a total compensation, from all sources, of \$40.00 per day.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-541

H. 39—Rep. Turner

AN ACT

Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 579, H. 1656 of the 1975 Regular Session is hereby amended to read as follows:

“Section 1. Members of the Washington County school board shall be entitled to an additional expense allowance of \$400 per

month to be paid from the same funds as their other compensation is paid. The expense allowance provided for by this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law."

Section 2. The provision of this act shall become effective on the first day of the month following the date upon which this act becomes law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-542

H. 119—Rep. Poole

AN ACT

Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, in addition to all other fees, there shall be taxed as costs the sum of \$5.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in the circuit court of Pickens County, or the district court of Pickens County, hereinafter filed in or arising in the circuit court of Pickens County, or the district court of Pickens County, or brought by appeal, certiorari or otherwise to the circuit court of Pickens County, or the district court of Pickens County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Pickens County, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses of the sheriff's department.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon the adoption of an amendment to the Constitution of 1901 authoriz-

ing changes in costs and charges of court in Pickens County. If such amendment is not adopted all provisions of this act shall become null and void.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-543

H. 120—Rep. Poole

AN ACT

Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, any real estate deed, presented for filing and recording in the office of the probate judge, shall contain, on the face of the instrument, the name and complete address of the person to whom the ad valorem tax notice on such real estate should be delivered by the taxing authorities of the county. The form of such statement shall be substantially as follows:

“Ad valorem tax notice, regarding the subject real estate, should be delivered to:

NAME _____

FULL ADDRESS _____

Section 2. The probate judge shall refuse to accept for filing and recording any instrument which does not comply with the requirements of this act.

Section 3. Failure to comply with the requirements of this act by the probate judge, his agents, servants or employees, or any other person, shall be construed to be a ministerial failure and shall in no wise affect the validity of the real estate deed involved; nor shall such failure impose any civil or criminal liability on the probate judge, his agents, servants or employees.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-544

H. 131—Reps. McMillan, Penry

AN ACT

Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. A special recording fee of \$1.00 shall be collected by the Judge of Probate of Baldwin County, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of \$1.00 is paid thereon. Then said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county.

Section 2. The special recording fee of \$1.00 as provided for by Section 1 of this act shall, by the twentieth (20th) of the month following its collection, be deposited by the Probate Judge into the treasury of Baldwin County and kept in a special fund to the credit of the Judge of Probate. Such special fund shall be expended by the Judge of Probate, at his discretion, for the purchase and maintenance of electronic data processing equipment which shall be used in the general operations of his office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The operation of this act shall be retroactive to March 1, 1982, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 5. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-545

H. 132—Reps. McMillan, Penry

AN ACT

To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Baldwin County is authorized, when the need exists, to provide for the protection of forest from fire, insects, disease, beavers, and other pests in Baldwin County by participating in the Alabama Forestry Commission's forest protection program in the manner hereinafter specified.

Section 2. (a) After the Baldwin County Commission has determined that such a need does exist in Baldwin County, the County Commission may, in the manner hereinafter specified, provide for a finance charge to be paid by the owners of forest lands located in Baldwin County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such forest protection program, but not in excess of ten cents per acre, provided such finance charge is not greater than the benefit accruing to such forest lands due to availability of such forest protection as specified in Section 1.

(b) "Forest land" as used in this Act, shall mean any land which supports a forest growth, or which is being used or reserved for such purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes or homesites of five acres or less, nor shall it include any publicly owned lands.

(c) The finance charge fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes assessed in 1981 and collected beginning October 1, 1982 and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Baldwin County, Alabama, at the time fixed by law for making return of the property of such property owned. Finance charges levied shall constitute a lien on the property against which they are charged or taxed in case of default

in the payment of such financial charge.

Section 3. The County governing body of Baldwin County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Baldwin County, to determine the area and owners thereof, and report the same to the Tax Assessor of Baldwin County who shall be authorized, after notice by mail to such owners, to place said finance charge against the said forest lands as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the County Commission of Baldwin County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The finance charge herein imposed shall be due and payable to the Tax Collector of Baldwin County, and shall, when collected, be paid to the Treasurer of Baldwin County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Baldwin County as specified in Section 1 and less administrative expenses of one thousand dollars (\$1,000.00) per year and paid to Baldwin County.

Section 5. The County Commission of Baldwin County is authorized to remove such finance charge after said County Commission has determined that the finance charge is no longer needed. The County Commission shall hold public hearings to determine whether or not the finance charge is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-546

H. 135—Reps. McMillan, Penry

AN ACT

Relating to Baldwin County; authorizing the Baldwin County Board of Health to

annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Health of Baldwin County may annually fix a schedule of fees which shall cover the actual cost or a portion thereof involved in the performance of services rendered, pursuant to the duties, functions and programs required by law or by regulation or of the County or State Board of Health. Any fee schedule fixed pursuant to this act shall be effective upon approval of the County Commission of Baldwin.

Section 2. The Baldwin County Board of Health is hereby authorized to promulgate rules and regulations necessary and proper for the administration of this act. Such regulations shall include but not be limited to the furnishing of services without charge to documented indigent residents, or persons of said county, and matters pertaining to payment of said fee for personal health services, permits and inspections.

Section 3. All fees and receipts collected shall be paid over to the Baldwin County Health officer of Baldwin County and deposited in a depository of the county and shall be expended for the support, maintenance, and operation of the public health services in said county.

Section 4. Funds collected under this act may be utilized to match funds from other available sources.

Section 5. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

AN ACT

Relating to selling and redeeming lands for taxes in Henry County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Henry County.

Section 2. The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Title 40 of the Code of Alabama 1975, as amended, except that all such duties as are required of and are performed by the Judge of Probate shall be transferred to and be performed by the Tax Collector of said county, and the Judge of Probate shall be relieved of all such duties.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-548

H. 346—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Henry County is authorized to pay out of the General Fund of said County the salaries of clerks for the Tax Collector and clerks for the Tax Assessor. Such clerks shall be appointed by the Tax Collector and Tax Assessor, respectively. The Tax Assessor, with the approval of the Henry County Commission, shall fix his (or her) clerks' salaries and the Tax Collector, with the approval of the Henry County Commission, shall fix his (or her) clerks' salaries; however, the total amount to be paid to the clerks in each office shall be fixed at not more than twelve thousand (\$12,000.00) per annum, total, and shall be paid as requested by the Tax Assessor and Tax Collector, with the approval of the Henry County Commission, to such clerks.

The salaries, as above determined, shall be paid on a prorata

basis out of the monies collected each tax year into the General Fund of the County, and thereafter paid from said fund to said clerks in equal installments. The prorata share of the clerks' salaries to be paid by each fund or agency receiving ad valorem taxes, shall be determined by computing the percentage of the total collections for which each fund or agency bears to the total collections of ad valorem taxes. The prorata share of salaries each fund or agency shall pay during the first year after implementation of this act shall be based upon the collections made during the tax year next preceding the effective date of this act.

Section 2. All laws which are in conflict with this act are hereby repealed to the extent of such conflict.

Section 3. This is severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 4. This act shall become effective on October 1st, next following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-549

H. 451—Rep. Minus

AN ACT

To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The landowners of Choctaw County will provide protection of the forests in Choctaw County by participating in the Alabama Forestry Commission's forest protection program in the manner hereinafter specified.

Section 2. (a) After a public hearing has determined that such a need does exist in Choctaw Co., a financial charge in the manner hereinafter specified shall be paid by the owners of forest lands located in Choctaw County for timber growing purposes amounting to ten (10) cents per acre.

(b) "Forest lands", as used in this Act, shall mean any land which supports a forest growth, or which is being used or reserved for any forest purpose. "Forest lands", as used in this Act, shall not

include any lands primarily used for residential purposes of five (5) acres or less nor shall it include any publicly owned lands. Property owners exempt under Act #48, 2nd Special Session 1978 Alabama Legislature shall not be included in this Act.

(c) The finance charge fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands", as herein defined, shall make report of the same to the Tax Assessor of Choctaw County, Alabama, at the time fixed by law for making return of the property of such property owned. Finance charges levied shall constitute a lien on the property against which they are charged in case of default in the payment of such finance charge.

Section 3. The Tax Assessor of Choctaw County is authorized to appoint agents and delegate authority to individuals, if necessary, to search out forest lands in Choctaw County, to determine the area and owners thereof, and report the same to the Tax Assessor of Choctaw County who shall be authorized, to place said finance charge against the said forest land as may be determined by the report of such agents or the determination of said Tax Assessor. It shall be the responsibility of the Tax Assessor of Choctaw County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The finance charge herein imposed shall be due and payable to the Tax Collector of Choctaw County, and shall, when collected, be paid to the Treasurer of Choctaw County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Choctaw County and remitted to the Alabama Forestry Commission on a quarterly basis less administrative expenses of one thousand dollars per year paid to the Choctaw County Tax Assessor.

Section 5. The owners of forest lands in Choctaw County can remove such finance charge at the end of the five-year period if said landowners have determined that the finance charge is no longer needed. The Alabama Forestry Commission shall hold public hearings to determine whether or not the finance charge is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately fol-

lowing its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-550

H. 519—Rep. Mitchell

AN ACT

To provide for branch banking in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act any established bank which is authorized by its charter or by law to do a general banking business in Pickens County may, with the written consent of the State Department of Banks, open, establish, and operate branch banks, branch offices or places for doing a banking business anywhere within the county, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-551

H. 520—Rep. Mitchell

AN ACT

Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), is hereby amended to read as follows:

“Section 1. In Pickens County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person, as provided in section 13A-11-75 of the Code of Alabama 1975, shall be

ten dollars (\$10.00), which shall be collected by the sheriff and deposited in the county treasury. Seven dollars (\$7.00) of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for the upgrading of the sheriff's office and for law enforcement improvement projects in such amounts as the sheriff deems necessary; the remaining part of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the County General Fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-552

H. 641—Reps. Carter, Butler

AN ACT

Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81-510, S. 572, 1981 Regular Session, is hereby amended to read as follows:

"Section 1. On and after the date this act becomes applicable to Limestone County, a special recording fee of \$1.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office, in the discretion of the governing body of the county, and on and after such date no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the judge of probate, at his discretion, for general office operations."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-553

H. 688—Rep. Flowers

AN ACT

Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular meetings of the Pike County Commission shall be held on the second and fourth Monday of each month. Such regular meetings may be continued from day to day or adjourned to some future day.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-554

H. 689—Rep. Dutton

AN ACT

Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-592, H. 1028, 1981 Regular Session, is hereby amended to read as follows:

“Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Lawrence County’s

share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this Act:

"A. For the 1983-84 fiscal year the Lawrence County Commission shall receive \$90,000.00 in a special allotment to replace alcoholic beverage proceed taxes and to assist the following agencies in the following amounts:

"1. Each fire department established before January 1, 1982 shall receive \$2,000.00.

"2. Each fire department established after January 1, 1982 shall receive \$4,000.00.

"3. The Lawrence County Rescue Squad shall receive \$2,000.00.

"4. The Lawrence County Youth Aid Fund shall receive \$2,000.00.

"B. For the 1984-85 fiscal year and each fiscal year thereafter, each fire department, the Lawrence County Rescue Squad, and the Lawrence County Youth Aid Fund shall receive \$2,000.00 annually.

"C. The Lawrence County Board of Education shall receive 33⅓ % of the total amount remaining after \$90,000.00 is deducted as per section A and B and after the money paid to the municipalities according to Section 40-28-3 Code of Alabama 1975, is deducted from said Tennessee Valley Authority money.

"D. Annually, 35% of the money received by the county in Tennessee Valley Authority payments in lieu of taxes, after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, is deducted, and after deductions are made pursuant to subsections A, B, and C hereof, shall be paid into the county gasoline tax fund.

"E. All other money received by the county in Tennessee Valley Authority payments in lieu of taxes, after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, and after the monies in sections A, B, and C. are allocated, shall be paid into the county general fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-555

H. 733—Rep. Reed

AN ACT

Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 241, 1976 Regular Session, is hereby amended to read as follows:

“Section 2. (a) After the Bullock County governing body has determined that such a need does exist in Bullock County, the county governing body may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forestlands located in Bullock County for the use of land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forestlands due to the availability of such fire protection.

“(b) ‘Forestlands’ as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. ‘Forestlands’ as used in this act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-556

H. 748—Reps. Holley, Mathis

AN ACT

Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Coffee County, in lieu of any and all other ex-

pense allowances of any nature whatsoever heretofore authorized, each member of the county board of education shall be entitled to receive a total expense allowance of two hundred dollars (\$200.00) per month. Such expense allowance shall be payable from any available educational funds and made in the same manner as compensation or salary received by said school board members.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-557

H. 755—Rep. Flowers

AN ACT

To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Pike County shall be compensated on a salary basis which shall be in lieu of all fees and commissions heretofore paid as compensation to such judge. The amount of such salary shall be ninety percent (90%) of that paid to the presiding circuit judge in said county including all county salary supplements. Such salary shall be paid in equal monthly installments in the same manner as other county officials are paid. Said salary shall be for service as both probate judge and chairman of the county commission. Provided, however, if any time in the future the probate judge is no longer to serve as the chairman of the county commission, then the salary of said probate judge shall be the minimum amount prescribed by state law and shall be in lieu of all other salaries, fees, expense allowances or other emoluments.

Section 2. The judge of probate is hereby authorized to employ a chief clerk and in addition thereto up to five clerks to carry out the duties of the office; thereafter, upon authorization of the

county governing body, additional clerks shall be appointed by the judge of probate as needed. All such clerks shall serve at the pleasure of the judge of probate.

Section 3. The judge of probate and the employees of the probate office shall be reimbursed by the county commission for all expenses incurred in the official operation of the office by reimbursement for expenses incurred in an amount not less than the mileage and per diem rate in effect for employees of the state of Alabama at the time said expenses are incurred.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-558

H. 772—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

SECTION 1. In Henry County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided by the Code of Alabama of 1975, Section 13A-11-75, shall be \$10.00, which shall be collected by the Sheriff.

SECTION 2. The funds so collected shall be used as directed by the County Commission.

SECTION 3. This Act shall become effective upon passage and approval by the Governor.

SECTION 4. All laws in conflict herewith are repealed.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-559

H. 773—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, there shall be a county revenue commissioner in Henry County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies and clerks to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationary, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages,

commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary of \$27,500.00, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Henry County are hereby abolished effective the first day of October, 1985.

Section 8. It is the purpose of this act to promote the public convenience in Henry County by consolidating the offices of tax assessor and tax collector.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-560

H. 820—Reps. Mitchell, Owens, Johnson
(Roy), Poole, Melton

AN ACT

Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), is hereby amended to read as follows:

“Section 1. In Tuscaloosa County the fee for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13A-11-75, Code of Alabama 1975,

shall be ten dollars (\$10.00) which shall be collected by the sheriff. Renewal of such permit may be made by signed affidavit in such form as is provided by the sheriff. Such affidavit may be submitted in person or by United States mail.

“Section 2. All such sums collected shall be credited to a special fund or account in the county treasury to be known as the ‘law enforcement fund,’ which shall be used exclusively by the sheriff for law enforcement purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-561

H. 821—Reps. Mitchell, Owens, Johnson
(Roy), Poole, Melton

AN ACT

To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Tuscaloosa County, Alabama, is hereby authorized to sell at public auction, in the manner provided in this act, abandoned and stolen personal property recovered by the sheriff's department of Tuscaloosa County, Alabama, which said property has remained unclaimed by the rightful owner thereof for a period of six (6) consecutive months.

Section 2. The sheriff of Tuscaloosa County, Alabama, shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's department of Tusca-

loosa County, Alabama, which said records shall state the description of the property, the date of recovery of said property, the serial or other identifying number of said property and the place of recovery of said property. Such records shall be open to public inspection at all reasonable times. All abandoned or stolen property recovered by the sheriff's department of Tuscaloosa County, Alabama, shall be stored in a suitable place to protect the same from deterioration; provided, that if said property be of a perishable nature, after reasonable attempts have been made to locate and identify the owner thereof, if such attempts be unsuccessful, the same may be sold at once without notice in which case the proceeds shall be held for a period of six (6) months for the account of the owner and if not called for within that period of time, after deducting and paying all expenses incurred in the recovery, storage, maintenance and sale of such property, shall be paid into the general fund of Tuscaloosa County, Alabama.

Section 3. At least every six months, the sheriff of Tuscaloosa County, Alabama, shall sell at public auction to the highest bidder for cash all abandoned or stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County, Alabama, and has remained unclaimed by the rightful owner thereof after a period of six months. Said sales are to be made after notice thereof shall have been given by publication in a newspaper of general circulation in Tuscaloosa County once a week for two successive weeks or by posting such notice in a conspicuous place at the Tuscaloosa County courthouse for a period of at least twenty days prior to such sale. Such notice shall contain the place, date and time of each such auction and shall further contain a description of each item of personal property to be sold at said auction. If publication of such notice be made by publication in the newspaper, the first notice shall run at least twenty days prior to said auction.

Section 4. The owner of any abandoned or stolen personal property recovered by the Tuscaloosa County sheriff's department may redeem the same at any time prior to its sale by paying any reasonable expenses incurred in the recovery of the said property, its maintenance and storage and a pro rata share of the costs, if any, of publication of notice of the sale of said property.

Section 5. Whenever any property is sold at public auction as provided in this act, a notation in the storage record book shall be made of the fact of said sale and of the amount received for such property. All sales shall be cash. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sale from time to time if no bidders are present.

Section 6. The proceeds from any auction conducted under the authority of this act, after deducting and paying all expenses incurred in the recovery, storage, maintenance and sale of property sold at such auction, shall be paid into the general fund of Tuscaloosa County.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-562

H. 187—Rep. Turner

AN ACT

Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby created and established the Mobile County Youth Athletic Board, hereinafter referred to as the board. Each of the below listed associations shall have the authority to name one member on said board:

- (1) The Semmes Youth Association;
- (2) The Semmes Dixie Majors Association;
- (3) The Theodore Athletic Association;
- (4) The West Side Athletic Association;
- (5) The Bates Field Athletic Association;
- (6) The Boykin Park Association;
- (7) The Grand Bay Union Association; and
- (8) The Irvington Ball Park Association.

(b) There may further be added to the board such other associations as the board may from time to time unanimously approve.

Section 2. Members of the board first shall be appointed as

follows: the members from Semmes Dixie Youth Association and Semmes Dixie Majors Association for a term of one year; the members from Theodore Athletic Association and West Side Athletic Association for a term of two years; the members from Bates Field Athletic Association and Boykin Park Association for a term of three years; and the members from Grand Bay Union Association and Irvington Ball Park Association and Chunchula-Turnerville Recreational Association and Tanner Williams Community Club Ball Park Association and Theodore Community Club Association for a term of four years. As the terms of members expire, their successors shall be selected for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made.

Section 2a. A county Babe Ruth Association when incorporated and in compliance with this law shall also share in the proceeds and be entitled to a member on the county board to serve a four-year term.

Section 3. A chairman and a vice-chairman shall be elected by the board from among its members. In the absence or incapacity of the chairman, the vice-chairman shall serve as chairman and may perform such acts and duties as the chairman is authorized to perform. The power of said board shall be vested in and exercised by a majority of the members of the board then in office. The board shall elect a secretary-treasurer from among its members to act as custodian of all the funds, from whatever source derived, received by said board, and shall deposit said monies in a separate interest bearing checking account or accounts in one or more banks or trust companies which are duly qualified and doing business in Mobile County. Members of the board shall not be compensated for their services.

Section 4. The board shall have the power and it shall be its duty to distribute to the various member associations the tax proceeds as provided in Section 6 of this act. The board shall have all other powers necessary to effect the purposes for which it has been established.

Section 5. Each association enumerated in Section 1 hereof shall register youth under 19 years of age who reside outside the corporate limits of incorporated municipalities in Mobile County and who are participants in the sports programs of the association. Registration shall consist of listing the name, address and birthdate of the registrant. Any association found guilty of falsifying the registration of any participant shall, for each violation, automatically forfeit \$50.00 of revenue to which it is entitled.

Section 6. The tax proceeds distributed to Mobile County pursuant to Act No. 82-427, H. 221, 1982 Regular Session (now codi-

fied as Article 10, Chapter 3, Title 28, Code of Alabama 1975), shall be transferred by the county treasurer to the Mobile County Youth Athletic board to be deposited as provided in Section 3 hereof. On or before May 10 of each year, each association shall submit to the board a list of registrants with a request for an appropriation in the amount of fifteen dollars per registrant. At the time of submission of such request, each association shall also submit to the board, a check in the amount of fifteen percent of their per capita appropriation request. During the month of April of each year, the secretary-treasurer of the board is authorized to distribute to each association which is a member of the board, fifteen dollars for each participant which they have registered in accordance with Section 5 of this act and the total amount of the fifteen percent previously submitted to the board.

Section 7. Each association shall submit an annual audit to the board on or before April 30th of each year as to how the funds were spent during the previous year.

Section 8. If, after the board has distributed fifteen dollars per capita to each association, there is additional money from the tax proceeds as provided in Section 6 hereof, the board may distribute to the associations on a first come, first serve basis. The association requesting additional funds shall submit plans for a specific project and such additional funds shall be awarded at the discretion of the board. The association shall be required to supply fifteen percent of the amount of the request for additional funds as matching funds. No money received from the board under Section 6 hereof shall be used as matching funds in order to comply with this paragraph. In the event such tax proceeds are insufficient to pay fifteen dollars per capita, the money shall be distributed on a pro rata basis per capita.

Section 8a. This act will be retroactive to January 1, 1983, in regard to disbursement of funds, after passed by the Legislature and approved by the Governor.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-563

H. 798—Reps. Stout, Bowling

AN ACT

To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For purposes of this act:

(1) "Article" means any object, material, device, or substance or any copy thereof, including a writing, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint, or map.

(2) "Copy" means a facsimile, replica, photograph, or other reproduction of an article or a note, drawing, or sketch made of or from an article.

(3) "Representing" means describing, depicting, containing, constituting, reflecting, or recording.

(4) "Trade secret" means the whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes.

(b) A person commits the crime of "theft of trade secrets" if, without the owner's effective consent, he knowingly:

(1) Steals a trade secret;

(2) Makes a copy of an article representing a trade secret; or

(3) Communicates or transmits a trade secret.

(c) Theft of trade secrets is a Class C felony.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-564

S. 131—Senators Bedsole and Parsons
AN ACT

To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, are hereby amended to read as follows:

“§ 32-15-4.

“Whoever, with the intent to deprive or defraud the owner of any motor vehicle, or the person in lawful possession thereof, out of the temporary use, benefit or enjoyment of such motor vehicle, shall obtain the custody of such motor vehicle from the owner thereof, or from such owner’s agent, or from any person in lawful possession thereof by some trick or fraudulent or false representation, or any false token or writing, or false personation of another, shall, upon conviction, be deemed guilty of a Class C felony and shall be punished with imprisonment in a state penitentiary for not more than ten years nor less than one year and one day, or shall be fined not more than \$5,000.00 or shall be both fined and imprisoned.”

“§ 32-15-5.

“Whoever, with intent to defraud the owner of any motor vehicle or any person in lawful possession thereof, hires from such owner, or such owner’s agents, or any person in lawful possession thereof, any motor vehicle shall, upon conviction, be deemed guilty of a Class C felony and shall be punished by imprisonment in a state penitentiary for not more than ten years nor less than one year and one day, or shall be fined not more than \$5,000.00, or shall be both fined and imprisoned. The refusal to pay the hire of such motor vehicle or absconding without paying or offering to pay such hire shall be prima facie evidence of such fraudulent intent.”

“§ 32-15-6.

“Any person who, after hiring, leasing or renting a motor vehicle under an agreement in writing, which provides for return of said vehicle to a particular place, or at a particular time, shall abandon such vehicle, or secrete, convert, sell or attempt to sell the same or any part thereof, or who shall fail to return the vehicle to said place

within the time specified, and is thereafter personally served with a written demand, or upon whom written demand is thereafter made by registered mail, to return said vehicle to the place specified in the written agreement within 48 hours from the time of the personal service or service by registered mail of such demand, and who fails, except for causes beyond his control to return said vehicle to the lessor within said period, is guilty of a Class C felony and shall be punished by imprisonment for not more than ten years or less than one year and one day in a state penitentiary, or shall be fined not more than \$5,000.00, or shall be both fined and imprisoned. Service by registered mail shall be deemed to be complete upon deposit in the United States mail of such demand securely wrapped, postpaid and addressed to such person at the address for such person set forth in the written agreement for the hire or use thereof or in the absence of such address to such person's last known place of residence."

"§ 32-15-7.

"Whoever embezzles or fraudulently converts to his own use or secretes, with intent to embezzle or fraudulently convert to his own use, any motor vehicle delivered to him, which may be the subject of larceny or any part thereof, shall be deemed guilty of a Class C felony and shall be punished by imprisonment for not more than ten years or less than one year and one day in a state penitentiary, or shall be fined not more than \$5,000.00, or shall be both fined and imprisoned."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-565

S. 322—Senators Little and Mitchem
AN ACT

To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in the following section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and

other materials, and the term "circulation records" includes all information which identifies the patrons utilizing particular books and any other library materials in any medium or format.

Section 2. It is recognized that public library use by an individual should be of confidential nature. Any other provision of general, special or local law, rule or regulation to the contrary notwithstanding, the registration and circulation records and information concerning the use of the public, public school, college and university libraries of this state shall be confidential. Registration and circulation records shall not be open for inspection by, or otherwise available to, any agency or individual except for the following entities: (a) the library which manages the records; (b) the state education department for a library under its jurisdiction when it is necessary to assure the proper operation of such library; or (c) the state public library service for a library under its jurisdiction when it is necessary to assure the proper operations of such library. Aggregate statistics shown from registration and circulation records, with all personal identification removed, may be released or used by a library for research and planning purposes. Provided however, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child.

Section 3. Section 36-12-40, Code of Alabama 1975, is hereby amended to read as follows:

"Section 36-12-40. Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. Provided however, registration and circulation records and information concerning the use of the public, public school or college and university libraries of this state shall be exempted from this section." Provided further, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-566

S. 376—Senator Denton

AN ACT

To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-31-4 is hereby amended to read as follows:

“§2-31-4. Surety bond; requirements; waiver of bond requirements.

Every person licensed as a grain dealer shall have filed with the department a surety bond for each separate location signed by the dealer as principal and by a responsible company authorized to execute surety bonds within the state of Alabama. Such bond shall be in the principal amount to the nearest \$1,000.00 equal to ten per cent (10%) of the aggregate dollar amount paid by the dealer to producers for grain purchased from them during the 12-month period ending no more than 30 days prior to the time the dealer files to be licensed under this article. Persons who have been in the business of a grain dealer for less than one year are required to only meet minimum bond requirements their first year. Provided, that in any case the amount of the bond shall not be less than \$25,000 or more than \$100,000 for each separate location. Provided further, these bond requirements will be waived upon proof to the commissioner that such person is licensed under the United States Department of Agriculture Warehouse Act.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-567

S. 434—Senators Smith (B), Barron, Smith
(J) and Cooley

AN ACT

Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-430 of the Code of Alabama 1975 is hereby amended to read as follows:

"§41-9-430. Creation; commission a public body corporate; commission to provide, etc., facilities for exhibits of national aeronautics and space administration, department of army, etc.; commission empowered to provide lodging for visitors, etc.

There is hereby created and established a state agency to be known as the Alabama space science exhibit commission, which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of space exploration and hardware used therefor as may be made available by the national aeronautics and space administration. Such facility shall constitute a permanent housing for the national aeronautics and space administration exhibit, which shall be open to the general public and shall be located at a place to be designated and made available in Madison county for a nominal cost through the cooperation of the department of the army or at such other locations as the commission may deem appropriate.

The commission is further empowered to provide such facilities as will be mutually agreed upon between the commission and department of the army for the housing and display of army weaponry and mementos of national defense.

The commission is further empowered to establish an energy information and exhibit center in order to provide information to the public on research and development in the field of energy as developed by the national aeronautics and space administration, the department of the army, the energy research and development administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities.

The commission is further empowered to construct or otherwise acquire, whether by purchase, construction, exchange, gift, lease or otherwise, lodging and other similar facilities, including parking fa-

cilities and facilities for meetings, (provided said items are constructed within one mile of the Alabama Space and Rocket Center), for use by visitors to the permanent exhibit of the commission and users of the commission's visitors' center. In connection therewith, the commission may acquire any land or construct or acquire buildings or other improvements and all real and personal properties deemed necessary by the commission for such purpose, whether or not now in existence. The commission may lease to others any such facilities and may also lease lands of the commission on which such facilities may be constructed and charge and collect rent therefor, and terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof. The commission may also sell, exchange, or convey and grant options to any lessee to acquire any such facilities and may lease lands of the commission on which such facilities may be constructed whenever the commission shall find any such action to be in furtherance of the purpose for which the commission was organized."

Section 2. Section 41-9-432 of the Code of Alabama 1975 is hereby amended to read as follows:

"§41-9-432. Powers generally.

the commission shall be authorized:

- (1) To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the department of the army and the community, taking into consideration all pertinent factors effecting the suitability of such site;
- (2) To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge the available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;
- (3) To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the department of the army and the national aeronautics and space administration, with private individuals, corporations, associations and other organizations as the commission may deem necessary or convenient to carry out the purpose of this article, such contracts and agreements to include leases to private industry;
- (4) To borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may from

time to time be necessary or desirable;

(5) To issue and sell, subject to the approval of the governor, interest-bearing general obligation bonds not in excess of \$1,900,000.00 in principal amount as authorized by constitutional amendment. Such bonds shall be general obligations of the state of Alabama with full faith and credit and taxing power of the state to be pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, establishment, improvement or enlargement and equipment of building facilities and related grounds, including the renewal or replacement of structural parts of such facility, but not including the purchase of the site for such facility;

(6) To issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

(7) To borrow money and in evidence of such borrowing to issue and sell at any time and from time to time its revenue bonds (in addition to those authorized under paragraphs (5) and (6) hereof) for the purpose of carrying out the commission's power to construct or acquire lodging facilities, as set out in §41-9-430, the principal of and interest on which shall be payable solely out of the revenues and receipts derived by the commission from the operation, leasing or sale of the lodging facilities. The resolution under which such revenue bonds are authorized to be issued and any mortgage and deed of trust or trust indenture securing same may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the commission shall deem advisable and which are not in conflict herewith. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of such revenue bonds of the commission shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the commission made as a part of the

contract under which such revenue bonds were issued, whether contained in the proceedings authorizing those bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, said payment may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had;

(8) To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

(9) To accept public or private gifts, grants and donations;

(10) To acquire property by purchase, lease, gift or license, such power not to include the purchase of a site for the facility;

(11) To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this article;

(12) To sell, convey, transfer, mortgage, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, mortgage, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

(13) To employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this article. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director, and such additional personnel and such compensation shall be paid from the funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state Merit System Act; provided, however, that they shall be eligible for participation in the state health insurance plan and benefits as provided in sections 36-29-1 through 36-29-12, and they shall be eligible for participation in the state employees' retirement system under the provisions of section 36-27-6 governing counties, cities, towns and other quasi-public organizations of the state;

(14) To make such rules and regulations as the commission may deem necessary and desirable to provide for the operation,

management and control of the facility in cooperation with the department of the army and with the national aeronautics and space administration; and

(15) To perform such other acts necessary or incidental to the accomplishment of the purposes of this article, whether or not specifically authorized in this section, and not otherwise prohibited by law."

Section 3. Section 41-9-435 of the Code of Alabama 1975 is hereby amended to read as follows:

"§41-9-435. Liability upon revenue bonds issued by commission. All revenue bonds issued by the commission shall be solely and exclusively the obligations of the commission and shall not create an obligation or debt of the state or of any county or of any municipality within the state. All revenue bonds issued by the commission for the purpose of providing lodging facilities shall be payable solely out of the revenues and receipts derived from the operation, leasing or sale by the commission of such lodging facilities as may be designated in the proceedings of the commission under which the bonds shall be authorized to be issued.

The principal of and interest on any such revenue bonds shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such revenue bonds all or any part of the property of the commission from which the revenues or receipts so pledged may be derived."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-568

S. 474—Senator Parsons

AN ACT

Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the department of conservation

and natural resources is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of Jefferson County, except in municipal parks, by the use of wire baskets having a mesh of one inch or larger.

Section 2. Any person desiring a license to fish with such wire baskets in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in the county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judge of probate, license commissioner or other person authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license. The probate judge shall issue such license on forms provided by the department of conservation and natural resources and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the department of conservation and natural resources on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of the county under the provisions of this Act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the department of conservation and natural resources.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in such county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license or engaged

in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish within or without any such counties. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the department of conservation and natural resources.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-569

S. 489—Senators Little and Corbett

AN ACT

Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to the 37th Judicial Circuit of Alabama.

Section 2. If a defendant in a criminal case pending in a court of competent jurisdiction shall enter a written plea of not guilty at any time prior to the day of his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or at which he is represented by an attorney.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-570

S. 490—Senators Little and Corbett

AN ACT

To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That in the 37th Judicial Circuit of Alabama, all orders and decrees may be made and entered by circuit judges sitting in and for said circuit on a sheet or sheets now commonly called case action summaries and that there shall be a case action summary for each case docketed in such courts properly identified by the style of the case and a case number.

Section 2. That after all orders and judgments have been made and entered, in any case, by the circuit judge or judges sitting in and for such circuit, the clerk of the circuit court of such circuit shall file such sheets in numerical order in well bound books labeled "Minute Books" and such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

Section 3. That all laws or parts of laws in conflict with this act are repealed.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-571

H. 214—Reps. Carter, Butler

AN ACT

To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-6-45 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 13A-6-45.

“(a) A person commits the crime of interference with custody if he knowingly takes or entices:

“(1) Any child under the age of 18 from the lawful custody of its parent, guardian or other lawful custodian, or

“(2) Any committed person from the lawful custody of its parent, guardian or other lawful custodian. ‘Committed person’ means, in addition to anyone committed under judicial warrant, any neglected, dependent or delinquent child, mentally defective or insane person or any other incompetent person entrusted to another’s custody by authority of law.

“(b) A person does not commit a crime under this section if:

“(1) The actor’s sole purpose is to assume lawful control of the child.

“The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

“(c) Interference with custody is a Class C felony.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-572

H. 630—Rep. Brooks

AN ACT

To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5-215, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-5-215. (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

“(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

“(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

“(d) No person shall operate a motor vehicle which has a windshield, sidewing or rear window which has tinting to the extent or manufactured in such a way that occupants of the vehicle cannot be easily identified or recognized through the sidewing or rear windows from outside the motor vehicle.

“(e) The provisions of this act shall not apply to the manufactured tinting of windshields of motor vehicles or to certificates of identification, decals or other papers required by law to be displayed on such windshield or windows.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-573

H. 649—Rep. Langford

AN ACT

To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the

home district and the terms of office; and to allow reappointment for a certain period.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-50-20 and 16-50-25, Code of Alabama 1975, are hereby amended to read as follows:

“§ 16-50-20.

“There is hereby created a board of trustees for Alabama State University, the state educational institution at Montgomery, Alabama. The board of trustees shall consist of two members from the congressional district in which the institution is located and one member from each of the other congressional districts in the state as constituted on October 6, 1975, and who shall reside in that district, two members from the state-at-large who shall reside in different districts, and the governor, who shall be ex officio president of the board. Except for a trustee at large, the position of any trustee shall be vacated at such time as he shall cease to reside in the district from which he was appointed. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, in such manner that the membership shall consist of at least three trustees from the prevailing minority population of the state according to the last or any succeeding federal census and shall include at least two graduates of Alabama State University. Trustees shall hold office for a term of six years and until their successors are appointed. All appointments shall be effective until adversely acted upon by the senate. The board shall be divided into three classes as nearly equal as may be, so that one third shall be appointed biennially. Of the first members appointed to the board, one third shall be designated by the governor to serve until January 31, 1978, one third until January 31, 1980 and one third to serve until January 31, 1982. A member may be appointed to serve a second term of six years, but no member shall be appointed to serve as trustee for more than a total of 12 years. The first members, however, shall be eligible to serve for two full additional terms in addition to their initial terms. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No member of the governing board or employee or student of any public postsecondary education institution, no elected or appointed official having the power of review of the Alabama State University budget, other than the governor and no employee of the state of Alabama shall be eligible to serve on the board. No member shall serve past September 30 following his seventieth birthday.

“§ 16-50-25.

“Any vacancy in the office of trustee occurring during the recess of the legislature shall be filled by appointment of the governor from

the same category in which the vacancy occurred. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term."

Section 2. The governor shall make the additional appointment required by this act within thirty days after the passage of this act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-574

H. 675—Reps. Turner, Buskey, Gaston, Clikas, Penry, Clark, Kvalheim, Kennedy, White (F), Harper, McMillan, Blakeney, Zoghby

AN ACT

To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Alabama Cogeneration Act of 1983".

Section 2. It is hereby declared to be the public policy of this state to encourage the development of cogeneration facilities to conserve energy resources and further industrial economic development in this state to the extent such encouragement is not inconsistent with the maintenance of just and reasonable electric rates to con-

sumers of electric utilities. It is necessary for growth and job opportunities to encourage new investment in energy producing systems to remain competitive and allow for the sustained economic development of this state, consistent with just and reasonable treatment of electric consumers of this state.

Section 3. In furtherance of the policy set forth in Section 2, the rules and regulations relating to cogeneration facilities and cogenerators in the State of Alabama and the treatment of such facilities and cogenerators with respect to the capacity and energy produced in such facilities shall be governed by the applicable provisions of the regulations relating thereto which have been promulgated as of July 6, 1983 by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA"), 16 U.S.C. § 796 (17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); such regulations being embodied in 18 Code of Federal Regulations Sections 292.101 through 292.602. Said regulations are incorporated by reference as if fully set out herein. A copy of said regulations, as compiled and published in 18 Code of Federal Regulations Part 292 as of July 6, 1983 and incorporated in a volume entitled "Regulations Relating to Cogeneration Facilities Adopted for the State of Alabama", shall be maintained by the Secretary of the Alabama Public Service Commission.

Section 4. The Alabama Public Service Commission ("the Commission") is hereby authorized and directed to take all necessary steps to implement the provisions of this Act as it affects utilities already subject to the jurisdiction of the Commission and to promulgate rules and regulations consistent with the provisions hereof. Any such rule or regulation promulgated under the Act shall be adopted pursuant to a determination by the Commission, supported by substantial evidence, that such rule or regulation is in the public interest and shall be just and reasonable to the electric consumers of any electric utility affected. Any cogenerator or electric utility may petition the Commission for appropriate relief under this Act, and the Commission will act on any such petition within 180 days. Any cogenerator or electric utility may petition the Commission for approval of a contract between them, which approval will be granted within 60 days of such petition unless the contract is clearly contrary to the policy and purposes of this Act or is otherwise unlawful. Payments required to be made by a utility to a cogenerator pursuant to any contract approved under this Act, or pursuant to other relief afforded under this Act, shall be afforded appropriate treatment by the Commission to assure full and expedient recovery in the rates charged by the utility which are subject to the Commission's jurisdiction. If the Commission action on any petition is inconsistent with the provisions of this Act, or is otherwise

unlawful, the petitioner or any party to the proceedings may bring an action within 30 days after the date of the Commission order or the expiration of the applicable 60 or 180-day period, in the Circuit Court of Montgomery County, Alabama, to seek appropriate relief consistent with the policy, purposes and provisions of this Act.

Section 5. In order to enforce the provisions of this Act, a cogenerator who uses coal as a fuel source to produce electrical power shall purchase coal produced in the State of Alabama provided that such Alabama coal is available to the cogenerator at prices and under terms and conditions (including availability, quantity, quality and reliability of supplier) at least as favorable as coal produced outside the State of Alabama.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 22, 1983

Time: 3:30 P.M.

Act No. 83-575

H. 484—Rep. Reed

AN ACT

To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Macon County Racing Commission is hereby created and established and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of said Commission shall be the Macon County Racing Commission, the same being sometimes referred to herein as the Racing Commission or the Commission. Said Commission shall

be composed of bona fide residents of Macon County, Alabama, who shall have resided in Macon County, Alabama, for no less than five (5) years prior to appointment. Said Commission shall consist of three (3) members appointed as follows: The current representative from Macon County in the House of Representatives shall appoint one (1) member for a term of six (6) years; the current senator representing Macon County in the Alabama Legislature shall appoint one (1) member for a term of four (4) years; and the Macon County Commission shall appoint one (1) member recommended by the Macon County Council of Governments for a term expiring the day following the 1984 General Election. After the expiration of the term of the initial appointments, each appointment thereafter shall be for a term of six (6) years and shall be made in the same manner as the original appointments, except that the successor to the original appointee of the Macon County Commission shall qualify and be elected by the voters of Macon County at the 1984 General Election for a term of office beginning the day following such election of six (6) years, and every six (6) years thereafter successors to this place on the commission shall be so qualified and elected. Such members of the Macon County Racing Commission are sometimes referred to herein as Racing Commissioners or Commissioners. Initial appointments of the Macon County Racing Commission shall be made within fifteen (15) days after this act is approved by the voters of the county. Upon the occurrence of any vacancy in office, the new racing commissioner shall be appointed in the same manner as the original appointment. Vacancies occurring in the elected commissioner's place shall be filled by the Governor, upon recommendation of the legislative delegation representing Macon County. Commissioners shall be eligible for reappointment.

Appointment powers by the legislative delegation exist only while said individuals serve as members of the legislature of the State of Alabama.

All books, audits, reports, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or person. No person shall be appointed to the Racing Commission who has been convicted of a felony.

Section 2. Each Racing commissioner shall take the same constitutional oath of office as any other county officer, and shall give bond payable to Macon County in the amount of twenty-five thousand dollars (\$25,000.00) conditioned that such Commissioner will faithfully and properly perform the duties of such office. The premium on such bond shall be paid by the Racing Commission. The Racing Commission may employ such assistants and employees as may be necessary who shall be paid out of the funds collected by

the Racing Commission.

A member of the Racing Commission shall not be an officer, director or employee of any licensee or have any financial interest in any race track or race meeting licensed by the Racing Commission and shall not own or race greyhound dogs in any race meeting licensed by the Racing Commission.

Section 3. The compensation of each member of the Racing Commission shall be one thousand five hundred dollars (\$1,500.00) per month. One member of said Racing Commission shall be required to be in attendance at each racing event, although up to three (3) Racing Commissioners may be present. Each Racing Commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the Racing Commission shall receive an additional fifty dollars (\$50.00) per diem when traveling within the State of Alabama. When traveling outside the State of Alabama on official business, each member so traveling shall receive one hundred dollars (\$100.00) per day plus transportation expenses. The above sums shall be paid out of funds collected by the Macon County Racing Commission in the same manner as the compensation of other county officers is paid.

Section 4. The treasurer shall be appointed by the Macon County Racing Commission. The treasurer of the Macon County Commission shall be ex officio co-treasurer of the commission for purposes of receiving and distributing certain collected net proceeds as provided in Section 15 hereof. The duties of the treasurer shall be to collect all the license fees, taxes, and monies provided in this Act, and shall supervise, check, and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. Said treasurer shall give bond in the same amount and with the same conditions as the bond required of Commissioners. Said treasurer may also be required by the Commission to post a fidelity bond in such amount as the commission may deem appropriate.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Racing Commission and represent it in all proceedings. Compensation of such counsel shall be paid out of funds collected by the Commission.

Section 6. It shall be the duty of the Racing Commission to carry out the provisions of this Act; and it shall have the following specific duties:

- (1) To fix and set dates upon which race meetings may be held or operated.

- (2) To make an annual report to the county governing body of

its operation, showing its own actions and rulings, and receipts derived under the provisions of this Act, and such suggestions as it may deem proper for the more effective accomplishment of the purposes of this Act.

(3) To require each applicant to:

(a) If an individual, group of individuals or partnership, each individual or partner shall be a resident of the State of Alabama for at least five (5) years immediately preceding the date of the license issued.

(b) If a corporation, each incorporator, stockholder, director, and officer shall be a resident of the State of Alabama for at least five (5) immediately preceding the date of the license issued.

(c) Set forth on such application for a license the following information:

(i) The full name of each individual or partner, their business and home address, their present business, occupation, or profession, and each residence and business address and each business, occupation, and profession engaged in by such individuals for a period of fifteen (15) years prior to the date of such application.

(ii) The name and address of each of the incorporators, stockholders, directors, and officers of any corporation making such application and the present business, occupation, or profession of each of such incorporators, stockholders, directors, and officers and each residence and business address and each business, occupation, and profession engaged in by such incorporators, stockholders, directors, and officers for a period of fifteen (15) years prior to the date of such application.

(iii) The exact location where it is desired to conduct or hold a racing meet and a complete set of architectural renderings and detailed construction plans showing the site, topography, the type of construction, the track design, and the concession plans, together with sufficient proof of capitalization to construct and operate said facility. If such proof of capitalization contemplates that a loan or other indebtedness will be incurred by such applicant, then the name and address of each person, firm, or corporation making such loan or underwriting such indebtedness shall be given together with the written commitment of such person, firm, or corporation to make such loan or underwrite such indebtedness.

(iv) Whether such racing plant is to be owned by applicant or leased, and if leased, the owner thereof shall meet the same residence requirements as an applicant and the same information shall be furnished for such owner as is required to be furnished for an

applicant.

(v) If the applicant is to enter into a management contract with any person or legal entity, then such person or other legal entity shall meet the same residence requirement and the same information shall be furnished concerning such person or legal entity as is required of an applicant.

(vi)⁴ If the applicant is to enter into a contract for the operation of the food service, including restaurant, snacks, beverage, bar and concession stand sales, or any part thereof, then the person or other legal entity operating the same shall meet the same residence requirement and the same information shall be furnished as is required of an applicant.

(vii) The kind of racing to be conducted and the dates requested.

(viii) Such other information as the Racing Commission may require.

(4) Require an oath of every applicant or the president, executive officer, or managing officer or partner of each corporation or partnership stating that the information contained in the application is true.

(5) Promulgate uniform rules and regulations governing the holding, conducting, and operating of all race meetings and races held in the county.

(6) Receive all applications for the initial license within thirty (30) days following the appointment of the Commissioners and to grant, reject, or otherwise act upon all such applications within fifteen (15) days after the last date for receiving such applications.

Section 7. The applicant granted a license to operate a race track in the county shall have the right, subject to the provisions of this Act, to hold and conduct one or more racing meetings at such track each year provided that no such license shall be granted to any applicant or to any track for a period longer than three hundred (300) racing days in any one (1) year. More than one racing event per day is permitted.

There shall be only one greyhound dog racing facility in Macon County, Alabama, and only one license shall be issued to operate the facility.

Section 8. No person under nineteen (19) years of age shall be employed in any manner about said race track except as exercise people, grooms and parking lot attendants; nor shall persons under nineteen (19) years of age be permitted to attend any race.

The track licensee is encouraged to employ bonafide resident citizens of Alabama, preferrably Macon County residents, for at least 75 percent of its personnel needs.

Section 9. The original license issued in accordance with the terms of this Act shall be for a period to allow ten (10) full calendar years of racing following the construction and equipping of the racing plant or facility or for the length of time required for the amortization of the capital investment, whichever is longer, and shall be granted so as to expire on the 31st day of December following such ten (10) full calendar years of racing or the amortization of the capital investment. On or before the 1st day of December of the last year of the original license, the Racing Commission shall accept applications in the manner, form and requiring the requisite qualifications all as prescribed in this Act for additional periods of not more than three (3) calendar years. On or before the 1st day of January thereafter, the Commission shall convene to consider and act upon such applications. Subsequent applications shall be accepted and license issued in the same manner. If a licensee shall apply for a renewal license, the same shall not be denied except for good cause provided, however, the Commission may require that such licensee furnish the requisite information and meet the requisite qualifications required by this Act.

The license granted under this Act shall set forth in addition to any other information prescribed by the Racing Commission the name of the licensee, the location of the race track, duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of a license fee set by the Commission, provided, however, that such license fee shall not exceed One Thousand Dollars (\$1,000.00) annually. No such license shall be transferable, nor shall it apply to any other place, track, or enclosure except the one specified in the license.

Section 10. The Racing Commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct race meetings under the provisions of this Act. The Racing Commission may at any time require the removal of any employee or official employed by any licensee hereunder whenever such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the Racing Commission. The Racing Commission shall have the power to require that the licensee maintain books and financial statements in a manner and form prescribed by the Racing Commission so as to assure the proper administration of the pari-mutuel pool and the payment of the tax hereinafter provided. The Racing Commission

shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association, or corporation licensed under this Act. The Racing Commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said Racing Commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed six (6) months, or by both fine and imprisonment in the discretion of the court.

Section 11. After granting of a license to operate a greyhound race track, the Racing Commission shall have the power to grant, refuse, suspend, or withdraw annual licenses for all persons connected with the greyhound dog race track, including gate keepers, announcers, ushers, starters, officials, drivers, dog owners, agents, trainers, grooms, stable foremen, exercise people, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the Racing Commission may adopt and upon the payment of a license fee as shall be fixed and determined by the Racing Commission in accordance with the position and compensation of such person. Any such license may be revoked by the Racing Commission, for good cause, and person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the Racing Commission with permission to operate thereunder. The Racing Commission may deny or revoke any such license to any person who has been refused or denied a license by any other state racing commission or racing authority. Any person aggrieved shall be entitled to a hearing before the Racing Commission.

Section 12. The Racing Commission shall make rules governing, permitting, and regulating the wagering on greyhound dog races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering," which method shall be legal to the extent that and so long as the same is carried on and conducted strictly in conformity with this Act, and not otherwise. Only the persons, associations or corporations receiving a license from the Racing Commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the result of the dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where

such races shall have been licensed by the Racing Commission, shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly to such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not to exceed six (6) months, or both fine and imprisonment, in the discretion of the court.

In addition to the other rules and regulations that may be promulgated by the Racing Commission, the following shall be complied with by the licensee or operator of the race plant and employees thereof:

(a) A duly licensed veterinarian shall be on the grounds at weighing time and make examinations of the physical condition of each greyhound, and any dog not considered to be in good physical condition shall be reported to the presiding official.

(b) An adequate security force shall be employed as prescribed by the Racing Commission. Members of the security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the race track.

(c) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the Racing Commission.

(d) All racing events shall be concluded by midnight.

(e) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

Section 13. Every licensee conducting a race meeting under the provisions of the Act shall pay to the treasurer of the Racing Commission on a quarterly basis, a tax equal to four percent (4%) of the total contributions to all pari-mutuel pools made at the track. The total take out by a licensee on any pari-mutuel pool shall be eighteen percent (18%). After deducting four percent (4%) for the Racing Commission and the fourteen (14%) for the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dogs. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount

remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dogs. Each redistribution shall be made in a sum equal to the lowest multiple of ten cents per dollar wagered. The licensee shall be permitted to provide separate pools for win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, a perfecta or exacta pool, a trifecta pool and any other bets and pools as the Commission may from time to time allow. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime," and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets known as "outs" money. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets of the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator system to record the wagering and to compute the odds. Rules and regulations governing the operation of each of the pools shall be established by the Racing Commission. The licensee shall collect from each person paying to attend a race meeting under the provisions of this Act ten cents as an admission tax. Licensee shall make payment of such taxes to the treasurer of the Racing Commission once each quarter (three months), which payment shall be accompanied by a report on the attendance covered by such report and such other information as the Racing Commission may require.

Section 14. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all licenses, excise taxes, occupational taxes to the State of Alabama or any county, city, town or other political subdivision thereof including but not limited to any and all sales and use taxes, lease taxes, utility taxes, alcoholic beverage taxes. Provided, however, that any person, firm or corporation who operates a restaurant, bar or other concession on the premises, shall be subject to the usual city and county taxes that are normally levied upon such businesses.

Section 15. All fees, commissions, taxes, and other monies, including fines, and forfeitures, received under the provisions of this Act shall be paid to the treasurer of the Racing Commission and transferred to the Macon County Treasurer and posted to the account of the Macon County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of the Act shall be transferred to the Macon County Treasurer, who is ex officio co-treasurer of the Commission, within ten (10) days following the quarterly receipt thereof. The Macon County Treasurer shall then distribute such net proceeds on a quarterly basis as follows:

- a. The first 51 percent of such net proceeds shall be distrib-

uted to the Macon County Board of Education as follows:

(1) Fifty-one percent of said 51 percent shall go to the general fund of the Macon County Board of Education to be used as they shall see fit.

(2) The remaining forty-nine percent of said 51 percent shall be used exclusively for a pro rata basis salary subsidy for all employees of the County Board of Education including specifically teachers, administrative and support personnel which includes bus drivers, lunchroom workers, janitors and any other support personnel.

b. The next twenty percent of such net proceeds shall be paid to the County Commission to be used as follows:

(1) Forty-five percent of the twenty percent to the general fund, to be used as the County Commission sees fit.

(2) Ten percent of the twenty percent to the sheriff's department to be used exclusively for law enforcement purposes.

(3) Ten percent of the twenty percent thereof to the county library.

(4) Ten percent of the twenty percent thereof earmarked for indigent medical care.

(5) Five percent of the twenty percent thereof to the Macon County Council on Retardation and Rehabilitation.

(6) Five percent of the twenty percent thereof to the County Department of Pensions and Security.

(7) Ten percent of the twenty percent thereof to the Charity Hospital of Macon County.

(8) Five percent of the twenty percent for recreation in West, East, North and South Macon County.

c. Fifteen percent of the net proceeds shall go to the general funds of the following cities and towns in Macon County, in the following amounts, to be used as their respective governing bodies see fit:

(1) 66.66% to the City of Tuskegee

(2) 26.68% to the Town of Notasulga

(3) 6.66% to the Town of Franklin

d. Eight percent of the net proceeds shall go to Tuskegee Institute to be used as follows:

(1) Sixty-three percent of the eight percent thereof to the gen-

eral budget of the Institute.

(2) Thirty-seven percent of the eight percent thereof to fund a Special Scholarship Fund as determined and administered by the Institute for economically disadvantaged residents of Macon County.

e. Two and three-fourths percent of the total net proceeds shall go to the Macon County Community Action Program.

f. Two percent of the total net proceeds shall go to the Southern Vocational College.

g. One-fourth of the total net proceeds shall go to the Childrens School in Tuskegee, Alabama.

h. One percent of the total net proceeds shall go to St. Joseph's School.

If any of the agencies receiving funds under this section cease to exist or should it be determined unlawful for any of the agencies to receive such funds, then the funds allocated thereto shall immediately accrue to the general fund from which the monies were to have been disbursed and the respective governing or administrative bodies may appropriate and spend the money for any lawful purpose.

Section 16. Any corporation, association or person who directly, or indirectly holds any greyhound dog race without having procured a license as prescribed in the Act shall be guilty of a misdemeanor. Any person wagering upon the results of races, except in the pari-mutuel method of wagering conducted by licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this Act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than One Hundred Dollars (\$100.00), not more than One Thousand Dollars (\$1,000.00), or by imprisonment of not less than five (5) days nor more than six (6) months, or both, such fine and imprisonment, in the discretion of the court.

Section 17. Any person who engages in the practice of professional gambling on greyhound dog races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, or has been convicted of any charge of gambling, any felony or any crime involving moral turpitude shall not be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this Act. Any association, partnership, or corporation or related association, part-

nership, or corporation thereof; which has or has had within ten (10) years such a person as an officer, executive, stockholder, or director or who does or has within the past ten (10) year period knowingly employed any person who engages in such practices shall likewise be ineligible as a licensee and the Racing Commission is hereby empowered to inquire into such matters in considering any applications and otherwise administering this Act.

Section 18. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the state prison for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or both such fine and imprisonment, in the discretion of the court.

Section 19. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one (1) hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen (15) minutes after the official posting of such results. Provided, however, that the Racing Commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both fine and imprisonment, in the discretion of the court.

Section 20. Upon request of recognized charities, the Racing Commission may extend said limitations of time for greyhound racing not to exceed three (3) days at any one time beyond the period otherwise provided by law so that any such track shall conduct a charity day or days of racing for any one or more recognized charities in Alabama which has a tax exempt status as provided for under the Internal Revenue Code. The total of all profits derived from the operation of such racing on such charity days, including all monies which would otherwise be received by the Racing Commission as taxes for such day's operations, shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the Racing Commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such day's operations, said tracks shall only be entitled to deduct from the profits, accruing from all receipts on such charity days of racing, their actual operating costs, which costs shall be those expenses incurred by the race track solely by reasons of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the Racing Commission may by rule prescribe.

Section 21. A referendum shall be held on the first Tuesday after thirty (30) days have elapsed after passage of this bill and approval of the Governor, or upon its otherwise becoming a law for the purpose of determining if this Act shall become operative. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the Macon County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____, approved _____, 198 ____?"

If the majority of the votes cast in the referendum are "Yes," greyhound racing shall be legal in Macon County and this Act shall become operative therein; if the majority of the votes cast in the election are "No," this Act shall have no further effect. The Probate Judge of Macon County shall certify the results of the referendum to the Secretary of State in the time frame and in the manner as provided in other elections in the State of Alabama after the election results are canvassed.

Section 22. The provisions of the Alabama Ethics Law shall govern the conduct of the Macon County Legislative Delegation and members of the Macon County Racing Commission in the performance of their duties, as set forth in this act.

Section 23. All appointees under the provisions of this Act shall take the same oath of office as is administered to other county officials.

Section 24. If any provision, paragraph or part of this Act shall be declared invalid, unconstitutional, or void, the balance of said Act shall remain in full force and effect.

Section 25. All laws or parts of laws in conflict with this Act are repealed.

Section 26. This Act shall become effective upon its passage and approval of the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 22, 1983 without approval by the Governor.

Act No. 83-576

H. 21—Reps. Hall, Butler

AN ACT

To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975; which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-4.

“(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

“(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor's plant within this state and transports it out-of-state, which are otherwise taxed.

“(2) The gross proceeds of the sale, or sales, of fertilizer. The word ‘fertilizer’ shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of wood residue, coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing

tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas of gulf intracoastal waterway either in intercoastal trade between ports in the state of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

“(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipality of the state of Alabama.

“(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for the use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

“(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited

from taxing under the Constitution or laws of the United States or under the Constitution of this state.

“(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in section 1-1-3, provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the state department of education and the Alabama institute for the deaf and blind, that the operator shall have filed an application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the state of Alabama.

“Any persons claiming an exemption hereunder shall file with the commissioner of revenue an application therefor in the form prescribed by the commissioner of revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

“Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to an exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

“(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

“(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce hospital and Partlow state school for mental deficient at Tuscaloosa, Alabama, and Searcy hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

“(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or

other materials used for lining boxes and other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

“(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

“(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

“(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

“The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

“(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term ‘herbicides’, as used in this sub-

division, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

“(27) the Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized an existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

“(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

“The words ‘commercial fishing vessels’ shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as ‘chicken litter’ by poultry producers and poultry processors.

“(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in the addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

“(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

"a. The name and claim number as shown on a 'Medicare' card issued by the United States social security administration.

"b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition or preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquified petroleum gas sold to be used for agricultural purposes.

"(35) The gross receipts of sales from state nurseries of forest tree seedlings.

"(36) The gross receipts of sales of forest tree seed by the state.

"(37) The gross receipts of sales of *Lespedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

"(38) The gross receipts of any aircraft manufactured, sold and delivered in this state if said aircraft are not permanently domiciled in Alabama and are removed to another state within three days of delivery.

"(39) The gross proceeds from the sale or sales of all diesel fuel used for off-highway agricultural purposes.

“(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail.”

Section 2. Section 40-23-62, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-62.

“The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this article:

“(1) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of article 1 of this chapter.

“(2) Property, the storage, use or other consumption of which this state is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this state.

“(3) Tangible personal property, not to be used in the performance of a contract, brought into this state by a nonresident thereof for his own storage, use or consumption while temporarily within this state.

“(4) Lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170, the storage, use or other consumption of which is otherwise taxed.

“(5) All fertilizer; provided, that the word ‘fertilizer’ as used in this article shall not be construed to include cottonseed meal when not in combination with other material.

“(6) All seeds for planting purposes and baby chicks and poults; provided, that nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products.

“(7) Insecticides and fungicides and feed for livestock and poultry, but not including prepared foods for dogs and cats.

“(8) The use, storage or consumption of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry prod-

ucts when not products of the farm.

“(9) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(10) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(11) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used:

“a. In manufacturing tangible personal property for sale;

“b. For the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale; or

“c. For the generation of motive power for transportation.

“(12) Fuel and supplies for use or consumption aboard ships plying the high seas either in intercoastal trade between ports in the state of Alabama and ports in other states in the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries; provided, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft.

“(13) Property stored, used or consumed by the state of Alabama, by the counties within the state or by incorporated municipalities of the state of Alabama.

“(14) The use, storage or consumption of materials, equipment and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within the state.

“(15) The use, storage or consumption of fuel oil purchased as fuel for kilns used in manufacturing establishments.

“(16) Tangible personal property stored, used or consumed by county and city school boards, independent school boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipality of the state of Alabama.

“(17) The storage, use or consumption of railroad cars, and vessels, and barges of more than 50 tons of burden when purchased

from the manufacturers or builders thereof.

“(18) The storage, use or consumption of all devices or facilities, and all identifiable components thereof or materials for use therein, used or placed in operation primarily for the control, reduction or elimination of air or water pollution, and the storage, use or consumption of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

“(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this article, or under any county use tax law.

“(20) The storage, use or other consumption in this state of religious magazines and publications. For the purpose of this subdivision the words ‘religious magazines and publications’ shall be construed to mean printed or illustrated lessons, notes and explanations distributed by churches or other religious organizations free of charge to pupils or students in Sunday schools, Bible classes or other educational facilities established and maintained by churches or similar religious organizations in this state.

“(21) The storage, use or other consumption of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(22) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for livestock and poultry, but not including prepared foods for dogs and cats.

“(23) The use of seedlings, plants, shoots, and slips which are to be used for planting vegetable gardens or truck farms.

“Nothing herein shall be construed to exempt, or exclude from

the computation of the tax levied, assessed or payable, the use of plants, seedlings, shoots, slips, nursery stock and floral products except as hereinabove exempted.

“(24) Fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation, for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel, shall be exempted from the provisions of this article and from the computation of the amount of the tax levied, assessed or payable under this article.

“(25) The storage, use or other consumption of herbicides for agricultural uses by whomsoever sold. The term herbicides as used in this subdivision means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

“(26) The Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the payment of the state use tax levied under this article.

“(27) Fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the payment of the state use tax levied under this article, or levied under any county or municipal use tax law.

“The words ‘commercial fishing vessels’ shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(28) The storage, use or withdrawal of sawdust, wood shavings, wood chips and other like materials purchased for use as ‘chicken litter’ by poultry producers and poultry processors shall be exempt under this article.

“(29) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry are hereby specifically exempted from the payment of the state use tax levied by this article. Such exemption as herein granted shall be in addition to the exemptions now provided

by law for feeds for fish, livestock and poultry, and in addition to the exemptions now provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

“(30) All medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted from the operation of the state use tax law levied by this article, or by any county or municipal use tax law. The exemptions provided in this subdivision shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

“a. The name and claim number as shown on a ‘Medicare’ card issued by the United States social security administration.

“b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“For the purposes of this subdivision any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

“(31) All diesel fuel used for off-highway agricultural purposes.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 20, 1983

Time: 5:25 P.M.

Act No. 83-577

H. 223—Rep. Richardson

AN ACT

To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the establishment of fire districts within Jackson County to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Jackson County after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901 and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House May 3, 1983

Passed the Senate July 25, 1983

Act No. 83-578

H. 845—Rep. Reed

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the $\frac{1}{4}$ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the

constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

PROPOSED AMENDMENT

Macon County is hereby authorized to incur indebtedness to the extent of not exceeding \$3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the voters of said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said county participating in the election on the adoption of this amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said county may incur under the constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the county se-

cured by an irrevocable pledge of its full faith and credit, may (any provisions of the constitution and laws of this state to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the special $\frac{1}{4}$ of 1% ad valorem tax authorized by Section 215 of the Constitution of Alabama, as amended, to be levied and collected by the county, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

The provisions of this amendment shall be self-executing.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Macon County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitutional of 1901 and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House July 14, 1983

Passed the Senate July 25, 1983

Act No. 83-579

H. 847—Rep. Reed

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1 $\frac{1}{4}$ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

Alabama is hereby proposed:

PROPOSED AMENDMENT

The City of Tuskegee in Macon County is hereby authorized to incur indebtedness to the extent of not exceeding \$3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said municipality at an election called for that purpose by the governing body of said municipality and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by municipalities; provided, however, that if a majority of the qualified electors of said municipality participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the voters of said municipality in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said municipality shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said municipality participating in the election on the adoption of this amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said municipality pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said municipality may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said municipality may have under the constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said municipality may incur under the constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the municipality secured by an irrevocable pledge of its full faith and credit, may (any provisions of the constitution and laws of this state to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds

from the 1 ¼ % ad valorem tax authorized by Amendment 56 to the Constitution of Alabama, to be levied and collected by the municipality, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by municipalities.

The provisions of this amendment shall be self-executing.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Macon County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901 and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House July 14, 1983

Passed the Senate July 25, 1983

Act No. 83-580

H. 862—Reps. Coleman, Rains

AN ACT

To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may prescribe by local law for Marshall County for forest fire protection in the county and may authorize the county governing body to further promote and provide for tax on acreage,

on basis other than ad valorem, therefor. The legislature may provide for the manner for levying and collecting such assessments and the distribution thereof. The legislature may further provide for the administration of such forest fire protection promotion.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Marshall County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House July 14, 1983

Passed the Senate July 25, 1983

Act No. 83-581

H. 906—Rep. Manley

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the electorate voting thereon, as herein provided, and upon proclamation by the Governor:

PROPOSED AMENDMENT

The Marengo County Commission shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of three mills on each dollar of taxable property located within the Marengo County School District, for public educational purposes within the Marengo County School District.

The provisions of this constitutional amendment shall be self-

executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to held at the next general, special, constitutional or county election in Marengo County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and Sections 17-17-1 through 17-17-6 of the Code of Alabama.

CONSTITUTIONAL AMENDMENT

Passed the House July 14, 1983

Passed the Senate July 25, 1983

Act No. 83-582

S. 378—Senator Menton

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama are fulfilled:

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Mobile County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions as provided by law regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for

operation of bingo games, within their respective jurisdictions; provided, however, that said governing bodies must ensure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 12 months immediately prior to the issuance of the permit or license;

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises is leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game;

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the legislature, during any bingo session. The legislature shall set a maximum amount for any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.

Section 2. This Act shall become effective immediately upon its passage by the legislature.

CONSTITUTIONAL AMENDMENT

Passed the Senate July 13, 1983

Passed the House July 25, 1983

Act No. 83-583

S. 544—Senator Amari

AN ACT

To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Findings and Policy.

The Legislature of the State of Alabama has investigated the economic, financial and environmental impact associated with the potential for duplication of electric distribution facilities used for the furnishing of retail electric service in and around the City of Tarrant City, Alabama ("Tarrant City"). Among its findings is that with respect to retail electric service industry, the benefits normally associated with competition between two suppliers for customers is outweighed by the tremendous cost burden which must be borne by such customers associated with the maintenance of two or more duplicate sets of facilities. It is the further finding of the Legislature that the existence of duplicate facilities for the furnishing of electricity at retail in Tarrant City is not in the public interest because of the adverse impact which such duplication has on environmental and aesthetic values and on safety. It is therefore declared that the policy of the State of Alabama is to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of such services in that area which would result in waste and in degradation of the environment. To accomplish these objectives, it is necessary and in the public interest to establish, mandate and implement procedures for determining which electric supplier shall furnish electric service to customers at retail in and around Tarrant City.

Section 2. Adoption of Rules and Procedures for Elimination

of Duplication of Facilities in Tarrant City.

That certain agreement dated June 8, 1983 by and between Tarrant City and Alabama Power Company, including 13 pages and a map attached as Exhibit 1 to said agreement, which said agreement is entitled Agreement between The City of Tarrant City, Alabama and Alabama Power Company, has been reviewed by the Legislature, determined to be in the public interest and found to be consistent with the purposes and policies of the State of Alabama. In the area in and around Tarrant City described in such agreement, the State of Alabama hereby orders and mandates that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in such agreement shall be followed.

Section 3. Non-Severability.

The provisions of this Act are not severable. If any part of this Act is declared invalid under the Constitution or laws of this State, such declaration shall render invalid all parts which remain.

Section 4. Repealer.

All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

A copy of the agreement referred to in the legislation proposed above is on file and available for inspection in the Office of the Clerk of the City of Tarrant City, Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-584

H. 686—Rep. Waggoner

AN ACT

To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-60-1, Code of Alabama, 1975, as heretofore amended, is hereby amended to read as follows:

"11-60-1. DEFINITIONS.

Whenever used in this chapter unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective meanings:

“(1) CORPORATION. Any corporation organized pursuant to the provisions of this chapter.

“(2) MUNICIPALITY. Any unincorporated city or town in this state with respect to which a corporation may be organized.

“(3) PROJECT. Any land and interest therein, including forests, rivers, streams, waterways, and lakes, and any buildings or other improvements thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for a public park or other recreational uses and all buildings, facilities and improvements incident thereto or useful in connection therewith, including, but without limitation, picnic areas, campsites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, athletic fields, golf courses, tennis, handball and badminton courts, public restroom facilities, boats, rides, amusement facilities, bowling alleys, skeet, trap, rifle and archery ranges, gymnasiums, swimming pools, bathhouses, beaches, docks and marinas, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and public accommodation facilities as defined in subsection (4) of this section.

“(a) PUBLIC ACCOMMODATION FACILITIES. Buildings, facilities and improvements for accommodation of visitors to such public parks, including, without limitation of the foregoing, motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gift and souvenir shops and laundrettes; provided, however, that nothing contained in this chapter is intended to authorize any such corporation itself to operate as a commercial enterprise any such shops, stores, motels, or restaurants.”

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-585

H. 38—Rep. Turner

AN ACT

Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, Alabama, the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk shall be entitled to additional expense allowances retroactive to January 1, 1983, as follows: The judge of probate shall be entitled to an expense allowance of \$325 per month; each member of the county commission shall be entitled to an expense allowance of \$385 per month; such tax assessor and tax collector shall each be entitled to an expense allowance of \$335 per month; such district judge shall be entitled to an expense allowance of \$200 per month; and such circuit clerk shall be entitled to an expense allowance of \$200 per month.

Section 2. At the beginning of the next term of office for the judge of probate, the tax assessor, the tax collector and the members of the county commission, the additional expense allowances herein provided for such officials shall be incorporated into their base salaries which shall be paid to them in lieu of these expense allowances; provided, however, that this proviso shall not affect the district judge or the circuit clerk, each of whom shall continue to receive the expense allowances herein provided for in addition to their salaries.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 30, 1983 without approval by the Governor.

Act No. 83-586

H. 20—Rep. Moore

AN ACT

To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, also under the supervision of the school. The limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation.

Section 2. The Alabama State Board of Chiropractic Examiners shall prohibit the use of more than one limited license student or graduate to one sponsor licensed to practice chiropractic.

Section 3. The Alabama State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this act, including, but not limited to, providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of the limited license, and requiring fees for participation.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-587

H. 53—Rep. Goodwin

AN ACT

Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, in Colbert County, the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session shall be distributed as follows: One cent per twelve (12) fluid ounces or fractional part thereof on all beer sold, within the county shall be paid to the probate judge and the proceeds shall be distributed by him as follows:

Two-fifths (2/5ths) to the hospital fund of the county;

One-tenth (1/10th) to the county board of education for the benefit of the schools outside of the cities of Sheffield, Tuscumbia, and Muscle Shoals;

One-tenth (1/10th) to the Sheffield Board of Education for the benefit of the schools of Sheffield;

One-tenth (1/10th) to the Tuscumbia Board of Education for the benefit of the schools of the City of Tuscumbia;

One-tenth (1/10th) to the Muscle Shoals Board of Education for the benefit of the schools of Muscle Shoals;

And, one-fifth (1/5th) to the general fund of the county. For such services, the probate judge shall be entitled to commissions of two and one-half percent (2 ½ %) of all taxes collected. Effective January 1, 1985, in lieu of the probate judge, the county commission shall distribute taxes collected without any commission.

The remainder of the tax shall be paid to the municipalities where sold.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-588

H. 55—Rep. Harvey

AN ACT

To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

Be It Enacted by the Legislature of Alabama:

Section 1. Any gas system operated by any investor-owned company, city, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 shall pay annually on October 1st of each year an inspection fee to the Alabama Public Service Commission of \$.50 per active service line for the previous calendar year ending December 31, for each active service line in said system.

Section 2. Any investor-owned company, partnership, public housing authority or public entity created by Act of Congress or State Legislature that uses a master meter for 1 or more units, shall pay the inspection fee based upon the number of all units on premises served by said master meter.

Section 3. All provisions of this Act are applicable to any and all liquefied petroleum gas installations that come under the enforcement provisions of the Alabama Public Service Commission.

Section 4. All said inspection fees collected under this provision shall be paid into a fund to be known as the "gas pipeline safety fund" and shall be kept separate and apart from all other funds by the Alabama Public Service Commission.

Section 5. Payment of gas pipeline safety inspection fees provided for under this Act shall in all respects be governed by the provisions of Section 37-4-23 and Section 37-4-24, et sequence, Code of Alabama 1975;

Section 6. In the event said "gas pipeline safety fund" accumulates by September 30 in any year to an amount equal to 110% of the amount budgeted in that current fiscal year for the purpose of enforcing the Gas Pipeline Safety Requirements of Section 37-4-80, et sequence; the public service commission shall suspend the collection of said inspection fees for one year.

Section 7. Upon the effective date of this Act, the additional revenue generated herein shall be over and above the appropriation of the Alabama Public Service Commission for Fiscal Year 83-84.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-589

H. 85—Rep. Waggoner

AN ACT

Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181), relating to the duties of the executive assistant to the sheriff of Jefferson County is hereby repealed.

Section 2. The executive assistant to the sheriff shall receive an expense allowance in such an amount so that the total compensation paid said assistant including salary, expense allowance, and all other emoluments shall be \$30,000. Beginning with the next term of office of said assistant, said expense allowance shall convert to a portion of the assistant's salary.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-590

H. 126—Rep. Albright

AN ACT

To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to assist employees who become unemployed or underemployed as the result of a substantial lay-off at or the closing of any plant or industry in Alabama, the Commissioner of Labor is hereby directed to establish a procedure to provide such unemployed or underemployed employees with seminars concerning their legal rights and responsibilities regarding their debts, to provide written material which deals with these problems and offers appropriate suggestions to such workers and to meet with management at such plants or industries and with labor organizations or other organizations including such employees in an attempt to minimize the financial burden on such employees.

Section 2. The Commissioner of Labor is authorized to assist and organize co-operative efforts of such employees or groups to which such employees belong in an effort to minimize the adverse impact of such plant or industry layoff or closing upon such employees and the Commissioner of Labor is further directed and authorized, to the extent he deems advisable, to engage in whatever other acts or agreements which are appropriate to assist financially such employees and groups made up of such employees, provided that the Commissioner of Labor is not authorized to require any employer or employee group to involuntarily contribute to a fund or involuntarily take any other action towards such a goal.

Section 3. If deemed advisable by the Commissioner of Labor, the Commissioner of Labor shall assist a plant or industry which closes or has a substantial layoff in endeavoring to communicate with the creditors of its unemployed workers concerning the financial difficulty caused to its ex-employees by such layoff or closing. If there is a substantial layoff at a plant or industry or if there is a closing of a plant or industry and if a state chartered credit union includes within its field of membership the employees of such plant or industry, then the Board of Directors of such state chartered credit union shall determine whether such layoff or closing has adversely affected the credit union. If the Board of Directors determines that such layoff or closing has adversely affected the credit union, then such credit union may include within its field of membership persons residing in the general geographic areas surrounding the plants or industries served by such credit union. Any such expansion of the field of membership of such credit union shall not be denied or restricted by any provisions of the law of Alabama heretofore enacted. Any such credit union shall endeavor to assist all such unemployed members by granting them extended periods within which to pay indebtedness owed to the credit union, to the extent deemed advisable by its Board of Directors.

Section 4. In order to stabilize the share and deposit base of credit unions which may or could be affected by plant or industry closings or by substantial lay-offs, any credit union which includes in its field of membership employees of any particular company or companies shall be authorized to accept shares and deposits from such company or companies, subject to such terms and conditions as the Board of Directors of the Credit Union may establish, and such company or companies may become a member of the Credit Union, subject to such terms and conditions as the Board of Directors of the credit union may establish.

Section 5. The Commissioner of Labor is further directed and authorized to issue regulations, to the extent he deems advisable, concerning the instances in which employees at plants or industries which have been closed or have been the subject of substantial lay-offs and organizations which include employees of such plants or industries may make appropriate disclosures of the financial situation of such employees and may assist the creditors of such workers in locating them and in arranging voluntary payment plans for their debts; provided however that nothing contained in this Act shall be construed as to authorize any activity which violates any federal act or regulation.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-591

H. 421—Reps. Stout, Parker

AN ACT

To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-8A-23, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-8A-23.

“For a period of one year from the passage of this Act, the board shall waive the requirements of Sections (7) and (8) of section 34-8A-7, and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure and proof of practice to the board who is qualified by experience to practice counseling, and who was engaged in such private practice of counseling as of July 18, 1979 in Alabama. Proof of private practice shall be verified by a valid business license in force on or before July 18, 1979 and financial documents which clearly indicate that a fee, monetary or otherwise, was charged for counseling services rendered.

The board of examiners in counseling shall be required to provide at least one legal notice of these provisions in the daily newspapers of this state.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-592

H. 575—Reps. Smith, Kvalheim, Laird,
Gaston

AN ACT

To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-5-50, Code of Alabama 1975, is hereby amended to read as follows:

“§ 25-5-50.

“This article and article 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter or to persons whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession or occupation of the employer or to any employer who regularly employs less than three employees in any one business or to any municipality having a population of less than 2,000 according to the most recent federal decennial census or any school district. Any individual em-

ployer, as defined in section 25-5-1 hereof, any employer who regularly employs less than three employees in any one business, any farmer, or any municipality having a population of less than 2,000 according to the most recent federal decennial census or any school district may accept the provisions of this article and article 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer; provided further, that any employer who has so elected to accept the provisions of this article and article 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

"Notwithstanding the foregoing paragraph, any officer of a corporation may elect annually to be exempt from coverage by filing written certification of such election with the Department of Industrial Relations and his insurance carrier.

"A corporate officer who has exempted himself by proper certification from coverage may at the end of any calendar year revoke such exemption and thereby accept coverage by filing written certification of his election to be covered with the Department of Industrial Relations and his insurance carrier.

"The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the Department of Industrial Relations."

In the event that the corporate officer election occurs, such election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 2:45 P.M.

Act No. 83-593

H. 323—Reps. Blakeney, Faulk, White (F)

AN ACT

To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-10-21, Code of Alabama 1975, is hereby amended to read as follows:

“§2-10-21. Permit required; fee.

No association shall engage in business until it has first secured a permit from the commissioner. Application for such permit shall be made on blanks prescribed by the state board of agriculture and industries and shall be accompanied by a fee of \$25.00.”

Section 2. Section 2-10-23, Code of Alabama 1975, is hereby amended to read as follows:

“§2-10-23. Issuance of permit.

If the Commissioner is satisfied from his investigation that the character and general fitness of the persons to manage an association are such as to assure a proper, fair and successful operation of such association and that such association will be of public benefit, then a permit to operate shall be granted after all officers handling or controlling property or cash shall have given a bond in such amount and under such conditions as may be prescribed by the state board of agriculture and industries. Thereafter, each association shall pay an annual renewal permit fee of \$25.00, payable on or before the start of the fiscal year of said association. Said fee shall accompany completed forms for yearly renewal, provided by the association, prior to the start of its fiscal year. Those associations in possession of valid permits as of the effective date of this Act shall also be required to pay the above annual renewal permit fees on or before the start of their next fiscal year following the passage of this Act. Failure to pay annual renewal permit fees shall be considered grounds for revocation of any existing permit. The above annual permit fee of \$25.00 shall also be due and payable for each and every subsidiary, branch office or other like establishment of associations that conduct any business of the association, in towns or areas different from that of the home office of the association.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

AN ACT

To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 28-7-16, Code of Alabama 1975, is hereby amended to read as follows:

“§ 28-7-16.

“(a) Levy.—There is hereby levied in addition to the license taxes provided for by this chapter and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 45 cents per liter of table wine sold to the wholesale licensee or board, to be collected from the purchaser by the board or by a licensed retailer.

“(b) Collection.—The tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

“The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of 38 cents per liter of table wine sold to the whole licensee or board; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of 7 cents per liter

of table wine sold; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

"The tax hereby levied shall be collected by the board on the table wine sold by the board and shall be paid as follows: taxes at the rate of 38 cents per liter of table wine sold shall be remitted by the board into the state treasury and taxes at the rate of 7 cents per liter of table wine sold shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

"The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

"(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

"(1) Thirty-eight cents per liter of table wine sold shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be credited as net profits from operation of the board to be distributed as provided by law.

"(2) Seven cents per liter of table wine sold shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

"(d) Tax exclusive.—The tax herein levied is exclusive and shall be in lieu of all other and additional taxes and licenses of the state, county or municipality, imposed on or measured by the sale or volume of sale of table wine; provided, that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

"(e) Trade between wholesalers exempt.—The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe."

Section 2. Upon its passage and approval by the Governor, or upon its otherwise becoming law, this Act shall become effective at midnight September 30, 1983.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-595

H. 626—Rep. Holley

AN ACT

To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-29-20, 34-29-21, 34-29-23 and 34-29-41, Code of Alabama 1975, are hereby amended to read as follows:

“§ 34-29-20.

“A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two terms of office, provided further, that any person serving as a board member as of May 27, 1981, shall be entitled to serve an additional term of office. The state board of veterinary medical examiner shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecution for criminal violations of this chapter. The board shall have the authority to employ an executive secretary, prescribe said person's duties and set said person's salary at a sum not to exceed \$12,000.00 per year.

“§ 34-29-21.

“Each of the five members of the state board of veterinary med-

ical examiners shall be appointed by the governor, from a list of three qualified veterinarians nominated and submitted to him by the Alabama Veterinary Medical Association for a term of five years and until his successor is appointed and qualified, unless sooner removed from office for cause. Vacancies shall be filled in the same manner as original appointments are made. Nothing herein shall be construed to change the dates on which the terms of office of the present membership shall expire; and when such terms of office expire new members shall be appointed for a five-year period, such appointments to be made at one-year intervals. Each member shall be an approved, qualified veterinarian holding a certificate of qualification from the board of veterinary medical examiners who shall have been actively engaged in some recognized field of veterinary medicine for at least five years prior to his appointment and who shall, during his membership on the board, be actively engaged and devoting the major portion of his time in some recognized field of veterinary medicine either as a private practitioner, member of the faculty of a veterinary college or employment with the United States government, the state of Alabama, or any county or municipality in the state of Alabama which requires the services of an approved qualified veterinarian. The board shall elect from its members a president and a vice-president.

“§ 34-29-23.

“The members of the state board of veterinary medical examiners shall receive \$75.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 and only in amounts as stipulated in the general appropriations act.

“§ 34-29-41.

“Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee of an amount to be determined by the board, not to exceed \$25.00, which shall be paid to the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in

which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Any person whose license has been suspended for failure to make annual renewal may have same reinstated upon payment to the board all fees that would have been paid if he/she had maintained their license in good standing plus a reinstatement fee of \$50.00 and possible re-examination according to the discretion of the board. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accompany each such application with a fee of \$50.00 in addition to all other costs involved in standing the state board examination. All fees collected hereunder shall be paid to the board and shall be accounted for in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-596

H.J.R. 380—Reps. Turner, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Harper,
 Harvey, Hettinger,
 Holley, Holmes,
 Horn, Howard,
 Johnson (A.L.),
 Johnson (R.G.),
 Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker,
 Payne, Penry, Poole,
 Preuitt, Rains, Reed,
 Rice, Richardson,
 Rogers, Sasser, Scott,
 Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

WHEREAS, it is with great pleasure and in utmost commendation that the Alabama Legislature notes a recent milestone accomplishment of the 1100 employees of the Ciba-Geigy Corporation's McIntosh, Alabama, plant; and

WHEREAS, July 8, 1983, was the date of record which marked the 11th time that Ciba-Geigy's McIntosh employees have reached the ambitious goal of working one million hours without a lost-time injury; and

WHEREAS, this amazing record was first reached in 1972, and has been repeated in 1974, 1976, twice in 1977, and again each year from 1978 to date; and

WHEREAS, Ciba-Geigy's McIntosh plant also holds the corporate safety record, which was set in 1978, of 3,127,500 hours without lost-time injury, a mark the employees now strive to surpass with their new goal of 3½ million; and

WHEREAS, further, the McIntosh plant's safety program has received recognition outside the corporation with the Award of Merit presented by the National Safety Council, the highest honor that can be earned by an industry in the field of safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend the employees of Ciba-Geigy's McIntosh, Alabama, plant on their enviable safety record; we further direct that a copy of this resolution be forwarded to the plant manager, Dr. Roland Pelt, on behalf of all employees and in token of our sincere consensus of praise.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-597

H.J.R. 432—Reps. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy,

Nevett, Newman, Nicholson,
 Owens, Parker, Payne, Poole,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker, Turnham,
 Venable, Waggoner, Warren,
 White (F.), White (L.),
 Williams, Wilson, Wright

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

WHEREAS, the Alabama Legislature extends deep appreciation to the University of South Alabama and to the Mobile and Baldwin County Delegations for their gracious hospitality; and

WHEREAS, on Wednesday, July 13, 1983, the generosity of the above named hosts was reflected in an evening of fun 'n fellowship, and fantastic fare—the Gulf's finest seafood prepared to perfection and served with all the trimmings; and

WHEREAS, the old Passenger Pavilion of Montgomery's historic Union Station also was the scene for country music entertainment as well as special entertainment provided by members of our Gulf Coast delegations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation for their more-than-generous hospitality, we hereby express heartfelt "Thanks for the Memories" to the University of South Alabama and to the Mobile and Baldwin County Delegations, all of whom shall be presented with copies of this resolution of gratitude for their kindness.

Approved July 25, 1983

Time 5:45 P.M.

Act No. 83-598

H.J.R. 437—Rep. Penry

HOUSE JOINT RESOLUTION

HONORING MS. MARY J. HANSEN UPON RECEIVING

THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

WHEREAS, Ms. Mary J. Hansen of Fairhope, Alabama, has been selected to receive the National Council for Geographic Education Distinguished Teaching Achievement Award for outstanding teaching at a pre-collegiate level; and

WEHREAS, this award is granted annually to only about 24 recipients on this continent, and will be presented at a conference in Ochos, Jamaica, in late October at the Annual National Council for Geographic Education; and

WHEREAS, Ms. Hansen holds a Master's Degree in Specialization in Social Studies and Geography from the University of South Alabama, and is presently working toward her AA Degree; and has taught her entire career in the social studies and geography fields at Fairhope High School; and

WHEREAS, in the summer of 1982, Ms. Hansen received a grant to Emory University to attend the Extended Teacher Institute in Middle East Studies; and

WHEREAS, in the fall of 1983 she will go to the University of Georgia as one of 30 fellowships to the Taft Government Seminar; and to Manassas, Virginia, to attend the Annual Reunion of Participants of these Middle East Seminars; and will also attend the Southeast Regional Middle East Islamic Seminar in Boone, North Carolina; and to the National Council of Social Studies Conference in San Francisco; where she will be presenting slides and displays of work done in her classrooms. She has done outstanding Middle East exhibits and displays of Christmas Around the World for the last 9 years, using authentic meals, dress, customs and food; and

WHEREAS, because of previous commitments, Ms. Hansen has declined numerous fellowships including the National Archives at the University at Richmond, and the University of Denver on Global Education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Ms. Mary J. Hansen upon her tremendous contribution to our youth and upon her selection to receive the Distinguished Teaching Achievement Award, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Hansen.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-599

H.J.R. 445—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama was saddened to learn of the death of Joe R. Simmons of Jasper, Alabama, Walker County, Alabama on Thursday, May 12, 1983 at the age of 73; and

WHEREAS, Mr. Simmons was life-long resident of Walker County and distinguished himself in the business community by successfully serving as president of North Alabama Lumber Company and Cleveland Land and Lumber Company; and

WHEREAS, Mr. Simmons distinguished himself at an early age by earning the Eagle Scout Award as a boy scout and being an outstanding football player at Walker County High School; and

WHEREAS, Mr. Simmons graduated from Marion Military Institute and the University of Alabama where he was president of Phi Delta Theta Fraternity; and

WHEREAS, he was active in civic organizations in Walker County including the Jasper Area Chamber of Commerce, Musgrove Country Club, Fraternal Order of Police, Boy Scouts of America, and was a devoted lifelong member of the First Christian Church of Jasper; and

WHEREAS, Joe R. Simmons was a man of integrity and dignity, devoted to his family and truly dedicated in his sense of duty and responsibility to his community, and will be long remembered and deeply missed by all those who were privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do deeply regret and grievously mourn the death of Joe R. Simmons, and extend our sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to his wife Mrs. Judy Goyer Simmons, his daughters Josephine Pankey and Julia Ann Simmons, his brothers A. R. Simmons and Dr. John T. Simmons, and his sister Mary Katherine Hager; that they may know of our shared sorrow in their great loss.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-600

H.J.R. 446—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

WHEREAS, the Legislature of the State of Alabama has noted with pleased accord the recent honor of the 1982 "Kidstar" Award bestowed upon Walker County Circuit Judge James C. Brotherton by Big Brothers and Big Sisters of Greater Birmingham for his positive example and involvement in youth related activities; and

WHEREAS, James C. Brotherton has served with distinction for the past twelve years as Juvenile Court Judge for Walker County; and

WHEREAS, James C. Brotherton was the driving force behind and a founding member of the Concerned Citizens for Youth, a group responsible for establishing Beacon House, which has provided needed counseling and guidance for troubled juveniles; and

WHEREAS, James C. Brotherton has served on the advisory board on juvenile proceedings to the Supreme Court, the judges' advisory committee to the Department of Youth Services Board and is one of the authors of the Juvenile Code of Alabama; and

WHEREAS, James C. Brotherton's efforts have resulted in many troubled youngsters turning around their lives and becoming productive citizens and because of him, Walker County and the State of Alabama is a better place to live; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly praise and commend James. C. Brotherton of Jasper, Alabama for his efforts on behalf of the youth of our state and nation.

BE IT FURTHER RESOLVED, that James C. Brotherton receive a copy of this resolution so that he may know of this body's grateful appreciation and high esteem.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-601

H.J.R. 447—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DAVIS SMITH "SON" HUM-

PHRIES OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama was saddened to learn of the death of David Smith "Son" Humphries of Jasper, Walker County, Alabama on Saturday, November 13, 1982 at the age of 69; and

WHEREAS, Son Humphries was a life-long resident of Walker County who started his business career in the grocery business forty five years ago; and

WHEREAS, He was a warm and loving man who served as an example to be emulated by all in his community who have benefited from his unending kindness and generosity; and

WHEREAS, Son's Super Market has always given more than its share to any worthy cause or person in need in Walker County; and

WHEREAS, Son Humphries was a man of integrity and dignity, devoted to his family and truly dedicated in his sense of duty and responsibility to his community and will be long remembered and deeply missed by all those who were privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do deeply regret and grievously mourn the death of David Smith "Son" Humphries, and extend our sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED, that copies of this resolution be presented to his wife Mrs. Alta Burton Humphries, his sons David Humphries and Jerry Humphries and daughter Sandra Lee; that they may know of our shared sorrow in their great loss.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-602

H.J.R. 449—Reps. Murphy, Moore, Smith

HOUSE JOINT RESOLUTION

COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

WHEREAS, a native of Grand Island, Nebraska, Ralph Westgate Sears has resided in Montevallo, Alabama, since 1948, following three years of active duty with the United States Army in the Pacific Theatre during World War II, and his subsequent graduation from the University of Nebraska; and

WHEREAS, Mr. Sears was associated with Alabama College, now the University of Montevallo, as an instructor, administrator and public relations official for 26 years, during which time he rendered invaluable service to both the college and the community; and

WHEREAS, Mr. Sears was elected to the City Council of Montevallo in 1956, was subsequently re-elected to three additional terms and, in 1972, was elected to mayoral office in which capacity he continues to serve; and

WHEREAS, during Mayor Sears' tenure, the City of Montevallo has grown and flourished through numerous positive programs in all areas; his dedication to office is reflected in such progress and his service has been distinguished; and

WHEREAS, Mayor Sears' also has been prominent as a radio businessman, newspaper man and civic leader as well as college administrator and public official; and

WHEREAS, Mayor Sears has served as Chairman of the Shelby County Mayors Association, as founder and first president of the College Faculty Club, as first president of the College Golf Club and as president of the Alabama Association of College Administrators, among others; and

WHEREAS, his involvement and leadership has extended to include such organizations as the United Way, American Lung Association, the Montevallo Rotary Club, American Red Cross, the Chamber of Commerce and the Montevallo Presbyterian Church which he served as Elder; and

WHEREAS, among many honors and accolades accorded Mr. Sears are the University of Montevallo's Outstanding Area Public Official of the Year Award, and the Outstanding Civic Leader Award for 1982, bestowed by the Montevallo Area Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in concurrence of praise with the University of Montevallo and the Montevallo Area Chamber of Commerce, we hereby most highly commend Ralph Westgate Sears for outstanding service to his community and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mayor Sears receive a copy of this resolution tendered in expression of our sincere praise and highest regard.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-603

H. 523—Rep. Waggoner

AN ACT

To authorize local city and county boards of education to establish reasonable compensation plans for members.

Be It Enacted By the Legislature of Alabama:

Section 1. City or county boards of education; compensation of members.

(A) Members of city and county school boards are hereby authorized to receive reasonable compensation for their services, not to exceed \$300 per month, unless set at a higher figure by a local act, upon approval by a majority vote of the members at the board's annual meeting. Compensation shall be in addition to actual traveling and other necessary expenses incurred in attending meetings and transacting business of the board.

(B) The compensation, actual traveling expenses and other necessary expenses incurred shall be paid as other ordinary and necessary expenses of the board.

(C) Any individual school board member, at his option, may refuse to accept all or any portion of the approved compensation.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-604

H. 84—Rep. Waggoner

AN ACT

Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, the two (2) Associate Board members of the Jefferson County Board of Equalization and Adjustments, are hereby entitled to receive an additional annual expense allowance of \$12,000 each. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances heretofore provided by law and shall be payable 77 ½ % from the general funds of Jefferson County and 22 ½ % from the general funds of the State of Alabama in the same manner as other officials of each of these entities are paid.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed only to the extent of such conflict.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall be effective as of June 1, 1982.

Approved July 25, 1983

Time: 5:20 P.M.

Act No. 83-605

S. 97—Senators Mitchell and Bailey

AN ACT

To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security is agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7-9-204 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 7-9-204.

“(1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

“(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (section 7-9-

314) when given as additional security unless the debtor acquires rights in them within 20 days after the secured party gives value.

“(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of section 7-9-105).”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-606

S. 191—Senator Mitchell

AN ACT

To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-2-89, Code of Alabama 1975, is hereby amended to read as follows:

“§ 31-2-89. No action or proceedings shall be prosecuted or maintained against a member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence or any warrant, writ, execution, process or mandate of a military court, nor shall any officer or enlisted man be liable to civil action or criminal prosecution for any act done while in the discharge of his military duty, which act was done in the line of duty.

“If a civil action shall be commenced in any court by any person against any present or former member of the national guard of this state for any act done by such present or former member while on any duty under this chapter, or against any member acting under the authority or order of any officer or by virtue of any warrant issued pursuant to law, and said present or former member shall be determined to be entitled to defense counsel at state expense pursuant to section 31-2-90, the state shall defray all costs related to such representation or defense, and shall also protect, indemnify and hold harmless such person from any costs, damages, awards, judgments or settlements arising from said claim or suit.

"Defense counsel provided at state expense pursuant to section 31-2-90 shall have authority to settle any claim by compromise, with approval of the attorney general.

"Section 2. The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part which remains."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-607

S. 192—Senator Mitchell

AN ACT

To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-2-90, Code of Alabama 1975, is hereby amended to read as follows:

"§ 31-2-90. If a civil or criminal action shall be commenced in any court by any person against any member of the national guard of this state for any act or omission alleged to have been committed by such member while on any duty under this chapter, or against any member acting under the authority or order of any officer or by virtue of any warrant issued pursuant to law, the adjutant general shall investigate the allegation, and upon determination by the adjutant general that such person acted reasonably or in the line of duty, the governor shall appoint counsel to defend such person, but such counsel shall reasonably be acceptable to the defendant. The cost and expense of any such defense shall be paid out of the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor.

"Any determination by the adjutant general or reasonableness or line of duty action shall not be admissible as evidence in the trial of any such action or claim.

"Nothing contained in this chapter shall be construed to deprive any such person of his right to select and be represented by private counsel of his own choice at his own expense.

"Nothing contained in this chapter shall be construed or held to constitute a waiver of any defense, otherwise available against the claim.

"Section 2. The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part which remains."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-608

S. 468—Senators Aldridge and Bishop
AN ACT

To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Declaration of public policy and legislative intent. The objective of this article is to specify the measure of damages for the unauthorized removal of coal in Alabama. It is declared that the extraction of coal provides a major present and future source of energy and is an essential and necessary activity which contributes to the economic and material well-being of the State. In the absence of a reasonable measure of damages as specified herein confusion could result in the coal industry causing financial distress and unemployment, and may cause the abandonment and prevent the use of many coal mines. This State has a public interest in removing this hazard and precluding this confusion and distress without doing violence to private rights.

Section 2. Measure of damages for the unauthorized removal

of coal. (a) The measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land, including but not limited to, actions for trespass or conversion, when the extraction, severance, injury or removal is in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal. The fair market value of the coal in place shall be calculated as the royalty rate prevailing at the time and place of severance.

Section 2(b). The measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal from land, including but not limited to, actions for trespass or conversion, shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses.

Section 3. This article applies retroactively. This article shall apply to causes of action and actions then existing or thereafter arising when this article becomes effective.

Section 4. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-609

S.J.R. 238—Senators Kirkland, Foshee,
Bishop, Parsons, Figures,
Bedsole and Covington

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U. S. Government acreage; and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with but no more stringent than existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-610

S.J.R. 268—Senator Figures

SENATE JOINT RESOLUTION

COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT AS EXECUTIVE SECRETARY OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

WHEREAS, Mrs. Lonia M. Gill has served for the past eight years as executive secretary of the Woman's Home and Overseas Missionary Society of the A.M.E. Zion denomination; and

WHEREAS, she was first elected in 1975 to the full-time salary position with the 1.5 million member women's international organization; she was re-elected in 1979, and is now ineligible for a third term; and

WHEREAS, prior to her acceptance of the position as the organization's top officer, Mrs. Gill was director of community development for the City of Prichard and had previously been a teacher with the Mobile County Public Schools; and

WHEREAS, during her eight years in office, Mrs. Gill has traveled throughout the United States and in both Guyana and the Bahamas; her responsibilities also have included accountability for all monies of the women's organization as well as the duty of planning all programs for conventions; and

WHEREAS, Mrs. Gill, who is a native of Whistler, is a member of Pilgrim Rest A.M.E. Zion Church of that community; her husband, the Reverend T. C. Gill, is presiding elder of the Jackson A.M.E. Zion District and is charged with overseeing the work of 16 churches in Mobile, Washington and Clarke Counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise Mrs. Lonia M. Gill of Whistler, Alabama, for outstanding service to the A.M.E. Zion Church, and direct that she receive a copy of this resolution, tendered in utmost commendation and regard of her accomplishments.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-611

S.J.R. 278—Senator Proctor

SENATE JOINT RESOLUTION

WHEREAS, the Alabama Medical Record Association organized as the Alabama Medical Record Librarians on March 24, 1943; and

WHEREAS, the Alabama Medical Record Association's first meeting was held at the Tutwiler Hotel in Birmingham and elected Miss Patricia Fuller, Highland Baptist Hospital of Birmingham,

President and Miss Gladys Graves, Hillman Hospital, later to be known as the University of Alabama in Birmingham Hospital and Clinics, as Secretary; and

WHEREAS, the first meeting had twenty-seven persons as charter members, representing fourteen hospitals; and

WHEREAS, the Medical Record Librarians have become a more important part of the health care field and are now known as Medical Record Administrators; and

WHEREAS, the Association now has four hundred and ninety-six members; and

WHEREAS, the Alabama Medical Record Association held its 40th Anniversary at its Annual Meeting in Huntsville, Alabama on June 15-17, 1983 during the 62nd Annual Meeting of the Alabama Hospital Association; and

WHEREAS, Bob Davenport presided at the Anniversary meeting and Judy Surjanto became President of the Alabama Medical Record Association during this meeting,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate The Alabama Medical Record Association on its 40th Anniversary and Judy Surjanto as its 1983 President.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-612

S. 46—Senator Foshee

AN ACT

To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Civil Defense provided for in Title 31, Chapter 9, Code of Alabama 1975, shall henceforth be named and called the State of Alabama Emergency Management Agency. This Act in no way shall alter the powers, duties, property, personnel, function or liability of said agency.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-613

S. 63—Senator Mitchem

AN ACT

To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-50-411 of the Code of Alabama 1975 shall be and hereby is amended to read as follows:

“§11-50-411. All the net income of the gas transmission system or systems, for each fiscal year, of a gas district incorporated under this article shall, unless otherwise provided in the certificate of incorporation of such district, be divided, within a reasonable time after the close of each fiscal year, among its member municipalities in proportion to the amount of gas sold to or within each such municipality.

All the net income of each gas distribution system, for each fiscal year, of any such district shall, unless otherwise provided in its certificate of incorporation, be distributed and paid, within a reasonable time after the close of each fiscal year, to the municipality or municipalities within which such distribution system is located.

The term “net income” as used in the preceding two paragraphs of this section 11-50-411 shall mean, with respect to the system or systems and for the fiscal year in question, the net income thereof computed in accordance with generally accepted accounting principles plus depreciation and amortization less the sum of the following:

(a) all sums required during such fiscal year for the payment of principal and interest on its bonds and all sums required to be paid during such fiscal year into special funds or otherwise obligated by the terms of the mortgages, indentures of trust, security agreements or bond resolutions under and pursuant to which its bonds were issued (other than such as constituted operating expenses and were taken into consideration in the determination of “net income computed in accordance with generally accepted accounting principles”),

(b) all sums expended during such fiscal year for capital addi-

tions and improvements to such system or systems or for retirement of debt not previously funded and paid with internally generated funds from operations (not including, however, any sums expended for either of such purposes out of any special funds referred to above),

(c) an amount which, when added to the amount (if any) held in reserve at the end of such fiscal year for future expenses of operating such system or systems, will equal 50% of the estimated expenses of operating such system or systems for the then current fiscal year (not including, as an expense of operating any such system or systems, the cost of any purchased gas), and

(d) an amount which, when added to the amount (if any) held in reserve at the end of such fiscal year for future capital additions and improvements to such system or systems, will equal a reasonable reserve (the minimum amount of which may be specified in the certificate of incorporation of such district but which, subject to any such specification, shall be determined by the board of directors of such district) for future capital additions and improvements to such system or systems.

If any gas district incorporated under the provisions of this article provides, in its certificate of incorporation, for the disposition of the net income of all its gas transmission and distribution systems in the same manner, it may, for purposes of such disposition, compute net income for all its gas transmission and distribution systems as a unit rather than separately."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-614

S. 69—Senators Harrison, Parsons, Little,
Holmes, Bedford, Corbett and
Amari

AN ACT

To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-7-20 and 36-7-22 of the Code of Ala-

bama 1975 are hereby amended to read as follows:

“§36-7-20.

“The amount allowable to a person traveling inside the state of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies for expenses other than transportation may be fixed by the governor at not less than \$35.00 nor more than \$50.00 per day, and such maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the state on official business. However, members of the legislature shall be excluded from the provisions of this section.

“No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of \$5.00 for a trip of from 12 hours' duration, and for travel in excess of 12 hours' duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

“The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the state for a period in excess of two consecutive months. After two consecutive months the amount of the allowance shall be reduced to \$25.00 per day; provided, that the provisions of this section shall not apply to officers and employees of the state of Alabama when they incur expenses representing the state of Alabama in the encouragement and promotion of trade or industrial development; and, on such occasions, when such representation is properly approved, such persons shall be reimbursed for the actual expenses incurred and paid by them; provided further, that such representation must be approved in advance in writing by the governor or by the director of finance when so designated by the governor.

“The provisions of this section shall not apply to examiners or other persons designated by the superintendent of insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provisions of section 27-2-25.

“§36-7-22.

“Persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies in privately owned vehicles shall receive up to \$.25 per mile in lieu of their actual expenses for transportation. The exact amount shall be fixed by the Governor but in no instance shall such expense be less than \$.20 per mile.

Section 2. This act shall become effective October 1, 1983.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-615

S. 90—Senator Smith (J)

AN ACT

To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 83-75 adopted at the 1983 First Special Session of the Legislature of Alabama shall be amended to read as follows:

Section 4. Authorization of Refunding Warrants. Each such county may in like manner from time to time issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued before or after the adoption of this act for paying the costs of the erection of necessary public buildings, bridges and roads and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants refunded thereby and the expenses estimated to be incurred by such county in connection with the sale and issuance of such refunding warrants. The pertinent provisions of this act applicable to the warrants so refunded shall likewise be applicable to such refunding warrants.

Section 2. This act shall become effective upon its adoption and approval by the Governor or upon its otherwise becoming law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-616

S. 227—Senator deGraffenried

AN ACT

To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more

favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be created the preretirement death benefit program effective October 1, 1985, which shall be effective as of that date to all employees covered under the teachers' retirement system of Alabama and the employees' retirement system of Alabama. In the event the conditions prescribed in Section 5 hereof shall occur prior to October 1, 1985, the death benefit plan established herein shall become effective upon certification and adoption by a joint resolution of the teachers' and employees' retirement systems' boards of control.

Section 2. A separate fund to be known as the preretirement death benefit fund is hereby established within the employees' retirement system of Alabama and the teachers' retirement system of Alabama to be held in trust by the respective boards of control. Such fund shall consist of all monies paid by the employers for preretirement death benefit purposes, and of the investment earnings upon such monies, and shall be used only to pay the preretirement death benefits prescribed by Section 3 hereof. Concurrent with the determination of the initial liability of this program for the fiscal year on and after the effective date of the program, there shall be transferred from the pension accumulation fund of each system to the fund created by this section such amounts, as shall be determined by the actuary, necessary to pay anticipated death benefit claims. Subsequent transfers shall be made if necessary to pay the benefits prescribed in Section 3 hereof.

Section 3. Upon receipt of proof satisfactory to the respective board of control, of the death of a contributing member, in-service, who had completed at least one year of contributing membership; or of the death of a contributing member as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership, there shall be paid to such person as he shall have nominated for the refund of his accumulated contributions in the event of his death, if such person is living at the time of said member's death, otherwise to the member's estate, a death benefit equal to the annual earnable compensation of the member as reported to the retirement systems for the preceding fiscal or scholastic year as the case may be; provided that in the event of the death of a contributing member to whom such benefit is payable who has completed less than one year of contributing membership service said benefits shall be equal to the annual earnable compensation of the member at the time his death occurs. Such

death benefit shall be payable in lieu of the matching amount equal to the accumulated contributions of the member not to exceed \$5,000 pursuant to the provisions of §§36-27-16(c)(3) and 36-27-16(c)(4) or §§16-25-14(g)(3) and 16-25-14(g)(4). For purposes of this section, a member shall be deemed to be in-service on the date of his death if his last day of actual service occurred not more than 90 days before the date of his death, provided that he shall not have retired or made application for refund of his contributions.

Section 4. The boards of control are authorized to take such action as may be necessary to provide the death benefit under this section in the form of group life insurance upon determination that to do so would guarantee a more favorable tax treatment to the beneficiaries to whom such benefit is payable.

Section 5. Should the actuaries employed by the respective boards of control certify a decrease in the rate of employer contributions as set forth in subdivisions (3) and (5) of §16-25-21 and subsections (d) and (f) of §36-27-24, the boards of control may by joint resolution declare the provisions of this act to become effective on October 1 next following the adoption of said resolution. Amounts sufficient to fund the provisions of this act shall thereafter be made in the same manner as the regular appropriations to the teachers' and employees' retirement systems, and shall be deposited in the fund established in Section 2 hereof.

Section 6. It is the purpose of this section to clarify the corporate status of the employees' retirement system of Alabama and the teachers' retirement system of Alabama, as suggested by the supreme court of Alabama in its order of May 6, 1983, and to confirm the contents of SJR 28 adopted on January 12, 1983, whereby the legislature expressed its intent relative to the corporate status of the retirement systems of Alabama.

(a) §36-27-2, Code of Alabama 1975, is hereby amended to read as follows:

“§36-27-2.”

“A retirement system is hereby established as a body corporate and placed under the management of the board of control for the purpose of providing retirement allowances and other benefits under the provisions of this article for employees of the state of Alabama. The retirement system so created shall be established as of October 1, 1945. It shall have the power and privileges of a corporation and shall be known as the ‘employees’ retirement system of Alabama,’ and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.”

(b) §16-25-2, Code of Alabama 1975, is hereby amended to read as follows:

“§16-25-2”

“There shall be a retirement system which shall constitute a body corporate and shall be under the management of the board of control for the purpose of providing retirement allowances and other benefits under the provisions of this chapter for teachers of the state of Alabama. The retirement system shall be established as of October 1, 1940, or as soon thereafter as the governor by proclamation declares the funds accruing to the teachers’ retirement system of Alabama are sufficient to meet the obligations of the ‘normal contribution’ on October 1, of a year following 1940. It shall have the power and privileges of a corporation and shall be known as the ‘teachers’ retirement system of Alabama,’ and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.”

Section 7. Any provision of law to the contrary notwithstanding, the boards of control of the teachers’ retirement system of Alabama and the employees’ retirement system of Alabama shall have vested in them all powers necessary to fulfill their fiduciary duty as trustees to members of each respective system including the power to sue and be sued, complain and defend in their own names; provided, however, that as instrumentalities of the state funded by the state, the retirement systems, their officers, and employees shall be immune from suit to the same extent as the state, its agencies, officers, and employees.

Section 8. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-617

S. 233—Senator Bailey

AN ACT

To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The funds provided under the Education Appropriations Act for the purchase of instructional supplies and materials and appropriated to the State Board of Education for all teachers employed (except ESEA Title I, Title III, and Title IV teachers and ESAA teachers) shall be allocated by the State Board of Education to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. From the funds provided herein above, each county and city board of education shall allocate to the individual schools in their respective systems their prorata amount as may be appropriated by the legislature for each teacher unit assigned to each school.

Section 2. All faculty members will be given the opportunity for input. The faculty and principal of each school shall cooperatively develop a budget for the purchase of for instructional supplies and materials and, by a majority vote of the faculty, approve a budget for the school. At least one half of the amount allocated shall be available for each teacher for materials and supplies for that teacher's students provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the schools. No board of education shall withhold from any school any funds to which it is entitled under the provisions of this Act except during years of proration. Based upon the budget developed by the faculty, the principal shall recommend to the superintendent the recommended amount to be allocated to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment, provided, however, that such fees shall be waived for students who cannot afford to pay the fee. Any funds collected in fees shall be spent on the course for which the fee was levied. This act shall not be construed to prohibit community groups or clubs from fundraising activities, provided, however, that students shall not be required to participate in such fundraising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama Special Educational Trust Fund.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-618

S. 239—Senator Denton

AN ACT

To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation or expense allowance provided by law, the president and each associate commissioner of the Alabama Public Service Commission shall receive a monthly expense allowance in the amount of \$670.00 per month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1983

Time: 5:45 P.M.

Act No. 83-619

S. 224—Senator Mitchell

AN ACT

To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-21-5, Code of Alabama 1975, is hereby amended to read as follows:

“§ 8-21-5. The provisions of this chapter shall not require the

repurchase from a retailer of:

"(1) Any repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries;

"(2) Any single repair part which is priced as a set of two or more items;

"(3) Any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;

"(4) Any inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of clear title, free and clear of all claims, liens and encumbrances;

"(5) Any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;

"(6) Any farm implements, machinery, utility and industrial equipment and attachments which are not in new, unused, undamaged and complete condition;

"(7) Any repair parts which are not in new, unused and undamaged condition;

"(8) Any farm implements, machinery, utility and industrial equipment, or attachments which were purchased 48 months or more prior to notice of termination of the contract;

"(9) Any inventory which was ordered by the retailer on or after the actual receipt of the date of notification of termination of the contract;

"(10) Any inventory which was acquired by the retailer from any source other than the wholesaler, manufacturer or distributor."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-620

H. 264—Reps. Lewis, Sasser, Payne, White
(L), Smith, Brooks

AN ACT

To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other

sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19 and 11-45-9, Code of Alabama 1975, are hereby amended to read as follows:

“§ 32-5-192. (a) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given his consent, subject to the provisions of this division, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle on the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of 90 days; provided if such person objects to a blood test, the law enforcement agency shall designate that one of the other aforesaid tests be administered.

“(b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a) of this section and the test or tests may be administered, subject to the provisions of this division.

“(c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (a) of this section, none shall be given, but the director of public safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall, on the first refusal, suspend his license or permit to drive, or

the privilege of driving a motor vehicle on the highways of this state given to a nonresident; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of 90 days, subject to review as hereinafter provided. For a second or subsequent refusal of such test within a 5-year period, the director, upon said receipt of a sworn report, shall suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident for a period of one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of one year subject to review as hereinafter provided. If such person is acquitted on the charge of driving a motor vehicle upon the highways of this state while under the influence of intoxicating liquor, then in that event the director of public safety may, in his discretion, reduce said period of suspension.

“(d) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the director of public safety or his duly authorized agent shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in section 32-6-16, for notification and hearings in the cases of suspension of licenses; except, that the scope of such a hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be suspended or denied if he refused to submit to the test shall not be an issue. The director of public safety shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.

“(e) If the suspension or determination that there should be a denial of issuance is sustained by the director of public safety or his authorized agent upon such hearing, the person whose license or permit to drive or nonresident operating privilege has been suspended or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of suspension or denial by the director or his duly authorized agent in the same manner and

under the same conditions as is provided in section 32-6-16 in the cases of suspensions and denials.

“(f) When it has been finally determined under the procedures of this section that a nonresident’s privilege to operate a motor vehicle in this state has been suspended the director shall give information in writing of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which he has a license.

“§ 32-5A-191. (a) a person shall not drive or be in actual physical control of any vehicle while:

“(1) There is 0.10 percent or more by weight of alcohol in his blood;

“(2) Under the influence of alcohol;

“(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving;

“(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving; or

“(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him incapable of safely driving.

“(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

“(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$250.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, the director of public safety shall suspend the driving privilege or driver’s license of the person so convicted for a period of ninety (90) days. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

“(d) On a second conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. Said sentence to include a mandatory sentence

which is not subject to suspension or probation of imprisonment in the county or municipal jail for not less than forty-eight consecutive hours or community service for not less than twenty days. In addition the director of public safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

“(e) On a third or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 and by imprisonment, which may include hard labor, in the county or municipal jail for not less than sixty (60) days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

“(f) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

“(g) A person who has been arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a)(1) hereof.

“§ 32-6-19.

“Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, suspended or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$500.00, and in addition thereto may be imprisoned for not more than 180 days. Also, at the discretion of the director of public safety, such person's license may be revoked for an additional revocation period of six months.

“§ 32-5A-192.

“(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

“(b) Any person convicted of homicide by vehicle shall be fined

not less than \$500.00 nor more than \$2,000.00, or shall be imprisoned for a term not less than one year nor more than five years, or may be so fined and so imprisoned.

“§ 11-45-9.

“(a) Municipal ordinances may provide penalties of fines, imprisonment, hard labor or one or more of such penalties for violation of ordinances.

“(b) No fine shall exceed \$500.00, and no sentence of imprisonment or hard labor shall exceed six months except, when in the enforcement of the penalties prescribed in section 32-5A-191, such fine shall not exceed \$5,000.00 and such sentence of imprisonment or hard labor shall not exceed one year.

“(c) The penalty imposed upon a corporation shall consist of the fine only, plus costs of court.”

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 2:45 P.M.

Act No. 83-621

S. 533—Senators Little and Corbett

AN ACT

To amend the “Council-Manager Act of 1982”, so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of govern-

ment hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-43A-7, 11-43A-8, 11-43A-9, 11-43A-14, 11-43A-16, 11-43A-18, 11-43A-32 and 11-43A-33 are hereby amended to read as follows:

“§ 11-43A-7. The change in the form of government shall take place on the first Monday in October following the date of the next ensuing municipal election for the election of members of the governing body held by the municipality during a general municipal election year as established by Section 11-46-21, except in Class 6 cities wherein the municipal governing body has elected to have a nine-member council as authorized in Section 11-43A-8, hereafter; and in such cities the change in the form of government may take place on the first Monday in October in any even-numbered year, designated therefor by the municipal governing body unless the election approving such change was held in 1983, in which case the change shall take place on the first Monday in October 1986.

“§ 11-43A-8. The governing body provided for herein shall be known collectively as the ‘council of the city (town) of (name of city or town to be inserted)’ and shall have the powers and duties hereinafter provided. Except as hereinafter provided, the council shall have five members. One member shall be the mayor, elected by the voters at large, to preside over the deliberations of the council. One member shall be a council member elected by the voters at large. Three members shall be council members elected by the voters from each of three single member districts. The council first elected shall qualify and take office on the first Monday in October following the date of the next ensuing municipal election held for the election of members of a municipal governing body during a general municipal election year.

“In Class 6 cities the municipal governing body, by resolution, may elect to have the council composed and elected as above prescribed or to have the alternate form as hereinafter prescribed. If the municipal governing body, by resolution, elects to have the alternate form, it shall immediately notify the judge of probate, who shall have the ballots for the election, authorized in Section 11-43A-3, prepared to pose the question of the adoption of the alternate form of government authorized in this act. The council shall have nine members. One member shall be the mayor, who shall be a voting member, elected by the voters at large, to preside over the delib-

erations of the council. Eight members shall be council members elected by the voters, two from each of four dual member districts. The council first elected shall qualify and take office on the first Monday in October in an even-numbered year designated by the municipal governing body unless the election approving the change in the form of government was held in 1983, in which case such council shall qualify and take office on the first Monday in October 1986.

“Subsequent to the seating of the initial council, the next council shall be elected at an election to be held in accordance with provisions of the general municipal election laws.

“§ 11-43A-9. In all cities to which this act applies, except Class 6 cities wherein the municipal governing body has elected to have a nine-member council, as authorized in Section 11-43A-8, *supra*, the election for the first officers of the municipality shall be held on the same date as the date of election for the next ensuing general municipal election. Before such election the governing body of the municipality shall cause the municipality to be divided into three districts containing as nearly an equal number of people as possible. Candidates shall qualify in the manner prescribed in the general municipal election laws and shall have the qualifications and eligibility set forth therein. Each candidate shall announce that he is to become a candidate for mayor, or councilman-at-large, or if he desires to become a candidate for one of the three district posts, either district post 1, district post 2 or district post 3. A candidate for a district position shall reside in his district. Each voter in the election may cast one vote for a candidate for mayor, one vote for a councilman-at-large and one vote for the candidate for the district in which he resides. Any candidate receiving a majority of the total votes cast for mayor, councilman-at-large, district post 1, district post 2, and district post 3 shall be elected. In the event no candidate receives a majority for a place on the council there shall be a run-off election for such place held in the manner prescribed by the general municipal election laws. The councilmen elected shall take office as herein provided. Each councilman shall hold office for four years and shall serve until his successor shall have been elected and qualified.

“In Class 6 cities wherein the municipal governing body has elected to have a nine-member council as authorized in Section 11-43A-8, *supra*, the election for the first officers of the municipality shall be held on the same date as the date of election for the next ensuing general municipal election. Before such election the governing body of the municipality shall cause the municipality to be divided into four districts containing as nearly an equal number of people as possible. Candidates shall qualify in the manner pre-

scribed in the general municipal election laws and shall have the qualifications and eligibility set forth therein. Each candidate shall announce that he is to become a candidate for mayor, or if he desires to become a candidate for one of the eight district posts, either district 1 post 1, district 1 post 2, district 2 post 1, district 2 post 2, district 3 post 1, district 3 post 2, district 4 post 1 or district 4 post 2. A candidate for a district position shall reside in his district. Each voter in the election may cast one vote for a candidate for mayor and one vote for a candidate for each of the two posts for the district in which he resides. Any candidate receiving a majority of the total votes cast for mayor, or for a district post shall be elected. In the event no candidate receives a majority for a place on the council there shall be a run-off election for such place held in the manner prescribed by the general municipal election laws. The councilman elected shall take office as herein provided. Councilmen elected hereunder, each, shall hold office for four years and shall serve until his successor shall have been elected and qualified.

“A councilman may succeed himself in office.

“§ 11-43A-14. At every such election all ballots to be used by the voters shall be printed and prepared by the municipality and shall contain the names of all candidates seeking election to the office of mayor, councilman-at-large, or one of the three district council seats except that in all Class 6 cities wherein the municipal governing body has elected to have a nine-member council as authorized in Section 11-43A-8, supra, the ballot shall contain the names of all candidates seeking election to the office of mayor, or to each post in one of the four council districts.

“The ballot shall conform, as nearly as can be, to the ballot prescribed in the general municipal election laws and the election shall be conducted as nearly as can be as prescribed by such laws.

“§ 11-43A-16. The mayor shall preside at the meetings of the council and shall be recognized as the head of the municipal government for all ceremonial purposes and by the governor for purpose of military law, but shall have no other administrative duties. In all cities to which this act applies, except Class 6 cities wherein the municipal governing body has elected to have a nine-member council, as authorized in Section 11-43A-8, supra, the councilman-at-large shall be assistant mayor and shall act as mayor during the absence or disability of the mayor. Any vacancy in the office of the mayor shall be filled by the councilman-at-large. In such Class 6 cities, a mayor pro tem shall be elected from the membership by a majority vote of the council at its first meeting following its election. The mayor pro tem shall act as mayor during the absence or disability of the mayor. Any vacancy in the office of the mayor shall be filled by

the mayor pro tem. Any vacancies on the council, except that of the office of mayor, shall be filled by the council at the next regular meeting of the council following the date of the vacancy. The election of a new councilman shall require the affirmative vote of at least three members in all cities to which this act applies, except Class 6 cities wherein the municipal governing body has elected to have a nine-member council, as authorized in Section 11-43A-8, supra, and in such Class 6 cities such election shall require the affirmative vote of 5 members. A vacancy in one of the district council seats shall be filled by a person who shall reside within the district from whence the vacancy arose.

“§ 11-43A-18. The council, by a majority vote of the whole qualified membership of the council, shall appoint a city manager, who shall be an officer of the city, and shall have the powers to perform the duties in this chapter provided. No councilman shall receive such appointment during the term for which he shall have been elected nor within one year after expiration of his term. Any civil service act, applicable to the municipality, shall not apply to the appointment or the removal of the city manager.

“A temporary acting city manager may be designated by the council to serve for not more than four months in these events, but only in these events: (1) When the first council takes office after adoption of this chapter or (2) following the removal of any permanent city manager.

“Such temporary acting city manager shall perform the duties and assume the obligations of the office of city manager and may be removed by the council at any time. If the council shall permit the temporary acting manager to serve for longer than four months, he shall become the permanent city manager.

“Any person appointed as acting city manager or as city manager need not be a resident of the city nor a resident of the state of Alabama at the time of his appointment.

“The council shall appoint the city manager for an indefinite term, but the council may remove him at any time by a majority vote of the whole qualified membership of the council. However, in any Class 6 city in which the governing body has elected to have a nine-member council, as authorized in Section 11-43A-8, supra, any such removal shall be subject to any agreements contained in a contract between the council and the city manager.

“Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service to

the city. Except for the purpose of inquiry, the mayor and the members of the council shall deal with the administrative service only through the city manager and neither the mayor nor any member of the council shall give orders to any subordinates of the city manager, either publicly or privately. The mayor or any member of the council violating the provisions of this section or voting for a resolution or ordinance in violation of this section shall be guilty of a Class C misdemeanor. Upon conviction of a second violation of this section, the person so convicted shall forfeit his office.

“§ 11-43A-32. In all cities to which this act applies, except Class 6 cities in which the municipal governing body has elected to have a nine-member council, as authorized in Section 11-43A-8, *supra*, there shall be established three council districts to be designated respectively as district post 1, district post 2 and district post 3, and in such Class 6 cities, there shall be established four council districts with eight district posts to be designated district 1 post 1, district 1 post 2, district 2 post 1, district 2 post 2, district 3 post 1, district 3 post 2, district 4 post 1 and district 4 post 2. Such districts shall have as nearly as is reasonable, the same population. The designation and boundaries of the initial council districts shall be specifically described and set forth. In all cities to which this act applies, except the above-described Class 6 cities, the two at-large posts on the council shall be designated as mayor and councilman at-large; and in such Class 6 cities the one at-large-post on the council shall be designated as mayor.

“§11-43A-33. Whenever there shall be a change in population in any of the districts heretofore established, evidenced by a federal census of population published following the last federal census of population preceding the adoption of this chapter, or by virtue of a substantial change in the corporate limits, there shall be a reapportionment of the council districts in the manner hereinafter provided:

“(1) The manager shall within six months after the publication of each federal census of population for the municipality, following the last federal census of population preceding the adoption of this chapter, or within six months after there shall have been any substantial change in the corporate limits of the municipality, file with the council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

“a. Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets or other well-defined boundaries;

“b. Each district shall contain as nearly as is possible the same population;

"(2) The council shall enact a redistributing ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the manager shall become effective without enactment by the council, as if it were a duly enacted ordinance;

"(3) Such redistricting ordinance shall not apply to any primary or regular or special election held within six months after its becoming effective. No incumbent councilman or member of the board or commission shall be deprived of his unexpired term of office because of such redistricting."

Section 2. Any law to the contrary notwithstanding, an election shall be held in every Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, at the same time that the election for members of the Alabama legislature is held in 1983; and the question submitted at such election shall be: "Shall the council-manager form of government, provided in the Council-Manager Act of 1982, with the change in the form of government of such municipality to become operative on the first Monday in October 1986, be adopted for the municipality of?" The election shall be held and in all things governed as nearly as possible by the provisions regulating elections on the question the adoption of the council-manager form of government provided in the Council-Manager Act of 1982, except that no petition of any of the qualified voters of the municipality need be filed and the mayor of any city in which such election is hereby required shall within 10 days after this act becomes law, by proclamation, submit the question of the adoption of the council-manager plan at a special election to be held at the same time as the election held in 1983 for members of the Alabama legislature. Should the election not be called by proclamation of the mayor within said ten-day period, the judge of probate shall call such election by order.

Section 3. The provisions of Section 2 of this act, authorizing an election in certain Class 6 municipalities in 1983 on the question of the adoption of the council-manager form of government provided in the Council-Manager Act of 1982 and providing for the effective date of such change if the council-manager form of government is approved, shall supersede all other laws in conflict herewith only for the purpose of holding the election in 1983 and making the change in the form of government approved at such election; when such purposes have been effectuated it shall have no further force or affect.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-622

H. 297—Reps. Flowers, Grouby, Browder,
Smith, Rice, Preuitt

AN ACT

To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as and may be cited as "The Alabama Crime Victims' Court Attendance Act."

Section 2. (a) The Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense be afforded a reasonable opportunity to attend any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense. (b) Further, the Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense not be excluded from any hearing or trial or any portion thereof conducted by any court which in any way pertains to such offense, merely because the victim has been or may be subpoenaed to testify at such hearing or trial or because of any arbitrary or invidious reason. (c) The provisions of this Act are to be construed so as to accomplish these purposes and to promote the same which are hereby declared to be the public policy of this state.

Section 3. Unless the context clearly requires otherwise or unless different meanings are expressly specified in subsequent provisions of this Act, wherever used in this Act, in the singular or plural case, the term:

(a) "person" shall mean:

(1) a human being

(2) a public or private corporation, an unincorporated association, a partnership, or other entity established by law

(3) a government or a governmental instrumentality, including, but not limited to, the State of Alabama or any political subdivision thereof

(b) "criminal offense" shall mean:

(1) conduct which is alleged in any summons, complaint, warrant of arrest, information, presentment, or indictment and for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state.

(c) "victim" shall mean:

(1) a person who is a victim of the defendant's criminal offense.

Section 4. The victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government or other persons in whose name such prosecution is brought.

Section 5. A victim of a criminal offense shall not be excluded from court or counsel table during the trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense, provided, however, a judge may remove a victim from the trial or hearing or any portion thereof for the same causes and in same manner as the rules of court or law provides for the exclusion or removal of the defendant.

Section 6. A victim of a criminal offense shall be exempt from the operation of rule of court, regulation, or statute or other law requiring the separation or exclusion of witnesses from court in criminal trials or hearings.

Section 7. (a) Whenever a victim is unable to attend such trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted to the victim, pursuant to the provisions of this Act. (b) Provided, however, in the event of a dispute, the court in its discretion may designate such representative.

Section 8. The failure of a victim or a person designated to represent the victim to exercise any right granted by the provisions

of this Act shall not be cause or ground for an appeal of a conviction by a defendant or for any court to set aside, reverse or remand a criminal conviction.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 2:15 P.M.

Act No. 83-623

H. 102—Reps. Mitchell, Johnson (Roy),
Poole, Melton, Owens

AN ACT

Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11 and 12 of Act 613, H. 1289, 1977 Regular Session (Acts of 1977, p. 922) are hereby repealed, the remainder of said act shall remain in full force and effect.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-624

H. 111—Rep. Minus

AN ACT

Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In circumstances not specifically provided in the general laws of the state, including specifically without limitation Chapter 12 of Title 35; Section 20-2-93 and Title 28, all of the Code of Alabama 1975, the sheriff of Choctaw County is hereby authorized to sell at public auction confiscated, abandoned or unclaimed personal property as hereinafter provided.

Section 2. Prior to the sale of property as described in Section 1, the sheriff must advertise such sale, the time and place thereof and a description of the property, at least once a week for four successive weeks in a newspaper having county-wide circulation. The sheriff or one of his officers must conduct entirely any such public sale, and any proceeds thereof shall be deposited in the Pistol Permit Account for the Sheriff's Department. Such proceeds shall be used as determined by the sheriff.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-625

H. 183—Rep. Turner

AN ACT

Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In accordance with the terms of Constitutional Amendment 351, as amended, tax revenues generated by the ad valorem tax levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), are hereby authorized to be allocated, used and otherwise expended for general health purposes by the Mobile County Board of Health; provided, however, the portion of said tax receipts allocated, used and otherwise expended for general health purposes shall in no event exceed twenty percent of the total proceeds of such tax.

Section 2. This Act shall be construed in para materia with Act No. 319, H. 595 Regular Session 1976 (Acts 1976, p. 353), and shall not be interpreted to repeal any provision thereof. The use of such funds authorized by Section 1 of this Act shall be in addition to any other use or uses previously authorized by the laws of the State of Alabama.

Section 3. All laws or parts of laws in conflict with this Act or any part thereof are repealed.

Section 4. The provisions of this Act are severable. If any provision of this Act is held to be invalid or unconstitutional, the remainder of this Act shall not be affected thereby and shall remain in full force and effect.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-626

H. 184—Rep. Turner

AN ACT

Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to the City of Citronelle, Mobile County.

Section 2. The city governing body shall distribute all tax revenues received by the city of Citronelle, Mobile County, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts 1982, p. 675), to the Citronelle Historical Society for its operation and management.

Section 3. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall be retroactively effective to January 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-627

H. 218—Rep. Richardson

AN ACT

Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, there shall be a county revenue commissioner in Jackson County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary provided by law.

Section 7. The offices of tax assessor and tax collector of Jackson County are hereby abolished effective the first day of October, 1985.

Section 8. It is the purpose of this act to promote the public convenience in Jackson County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Jackson County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next special election held in Jackson County next following final passage of this act. Notice of the election shall be given by the judge of probate of Jackson County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law abolishing the offices of tax assessor and tax collector and establishing the office of revenue commissioner? Yes () No ()." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Jackson County shall certify the results of the election to the secretary of state immediately after the returns have

been certified.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-628

H. 220—Rep. Richardson

AN ACT

To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 79-473, Regular Session 1979, as last amended by Act 80-558, H. 1053 of Regular Session 1980 (Acts 1980, p. 867) is hereby amended to read as follows:

“Section 1. Any payments coming into the treasury of Jackson County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of payment of taxes shall be distributed as follows:

“(A) One percent of such payments, or such portion thereof as shall be necessary, shall be used to establish, equip and maintain a legislative office for the members of the state legislative delegation serving Jackson County, Alabama. Any unused portion of such one percent shall be distributed on an equal basis among the other recipients of such payments as hereafter specified.

“(B) Thirty-nine and two-thirds percent of such payments shall be distributed to the public school systems within the county on a per pupil basis.

“(C) Twenty-nine and two-thirds percent of such payments shall be distributed to the incorporated municipalities within the county on a population basis.

“(D) Twenty-nine and two-thirds percent of such payments shall be placed in the general fund in the county treasury and may be used for any lawful purpose by the county.

“Provided, however, the first \$120,000 of each year's payments shall be paid to the Jackson County Hospital Board to provide all

residents of Jackson County with adequate ambulance service. Said money shall be paid in twelve equal monthly installments to begin on October 1, 1980."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-629

H. 221—Rep. Richardson

AN ACT

Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), is hereby amended to read as follows:

"Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal, but shall be the only severance tax levied by the county on coal. One hundred percent (100%) of the net proceeds from such tax shall be deposited in a special fund known as the 'Coal Severance Tax Road Fund.' Expenditures from this Coal Severance Tax Road Fund shall be made for the purpose of repairs, maintenance and construction of roads and bridges in Jackson County with preference to be given, when possible, to roads and bridges which have been damaged by coal hauling and mining activities but with the Jackson County Commission to have sole discretion in determining and designating upon which roads and bridges such sums shall be expended. The Jackson County Commission shall have authority to expend from said fund for such purposes by paying directly to the Alabama State Highway Department or such other agency as might be in lawful charge and control of the road and bridge system in Jackson County or the Jackson County Commission may deal with independent contractors."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-630

H. 316—Rep. Richardson

AN ACT

Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission is hereby authorized to fix a county fire protection tax at a rate of 2 mills on each \$100.00 of the assessed value on all taxable real estate outside the incorporated municipalities of Jackson County, excluding row crops and pasture lands. The tax fixed by the Jackson County Commission shall be based on the assessed value of all taxable real estate outside the incorporated municipalities of Jackson County, except row crops and pasture lands, as shown by the records of the tax assessor of Jackson County, and shall be assessed and collected as all other ad valorem taxes in the county. The tax assessor and tax collector of Jackson County shall not charge to or collect from the fire protection tax fund any fees or charges for the assessment or collection of the fire protection tax. The amount collected from assessment and collection of this fire protection tax shall be paid by the tax collector into the fire protection fund. The amount collected from the assessment of this tax shall be paid on October 15 each year and on the first and 15th day of each month thereafter into the fire protection tax fund. The tax year for this fire protection tax shall commence October 1 of each year and end on the succeeding September 30.

Section 2. The Jackson County Commission will appoint to the office of fire marshal of Jackson County the president of the Jackson County Association of Volunteer Fire Departments. Upon the election of a new president of the Jackson County Association of Volunteer Fire Departments, the Jackson County Commission will appoint the new president to the office of fire marshal within 30

days of that election. The fire marshal of Jackson County is hereby authorized upon approval of the Jackson County Association of Volunteer Fire Departments to employ or appoint a deputy fire marshal(s), fire inspector(s), firemen, secretarial and clerical persons and other persons deemed necessary to carry out the provisions of this act. The Jackson County Association of Volunteer Fire Departments is hereby authorized to operate the Fire Marshal Office of Jackson County on an amount of The Fire Tax Fund not to exceed 3% of the tax collected. The Jackson County Association of Volunteer Fire Departments is further authorized to establish a budget for the expenditure of the Fire Tax Funds which budget is to be passed by a 4/5ths majority of the Association Departments present. The fire marshal must also authorize all expenditures for equipment, property (real, personal, or both) or any other things deemed necessary to carry out the provisions of this act. The duties of the fire marshal shall also be to coordinate fire protection activity within Jackson County which shall include coordinating all fire departments, fire stations, full- or part-time employees of any fire department. The fire marshal shall also submit budgets and requisitions to the Jackson County Commission and must authorize all expenditures from the fire protection fund. All expenditures shall be made to further fire protection in the various fire districts of Jackson County.

Section 3. The Jackson County Commission is hereby authorized, by resolution, to adopt, amend and repeal regulations for safeguarding of life and property from the hazards of fire and explosion in the county, which shall be known as the Jackson County Fire Protection Code. Such regulations shall have the force and effect of law, and violators thereof shall be guilty of a crime and punished according to the law. Said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this act.

Section 4. The Jackson County Association of Volunteer Fire Departments is hereby authorized to establish fire districts within the geographical boundaries of Jackson County. Fire districts will exclude any corporate municipality which does not request through resolution of its governing body to be made part of and subject to the provisions of this act. The geographical boundaries of the fire districts shall be within the sole discretion of the Jackson County Association of Volunteer Fire Departments.

Section 5. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-631

H. 410—Rep. Campbell

AN ACT

Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 154, H. 746, of the 1965 Regular Session is hereby amended to read as follows:

“Section 9. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the commissioner of licenses on or before November 10th preceding November 15th, the final date on which the motor vehicle license tag is payable without penalty, and the commissioner of licenses shall mail such tag on or before November 14th preceding such November 15th. The commissioner of licenses shall charge and collect a reasonable fee for each motor vehicle license tag issued by mail, in addition to all fees prescribed by law. The county commission shall, by resolution, annually establish the amount of said fee, upon a written recommendation of the license commissioner. The license commissioner shall submit his recommendation on or before October 1 of each year. Upon receipt of the recommendation, the county commission shall set the fee for the following calendar year. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and such fees collected by the commissioner of licenses shall be paid into the general fund of the county. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided. All the forms necessary in the administration of this Act shall be furnished by the State Department of Revenue.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-632

H. 507—Reps. Turnham, Johnson (A.L.),
Rice

AN ACT

Relating to Lee County; to provide further for the election of the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The several members of the Lee County board of education shall hereafter be elected by only those qualified electors in the county who reside outside of the city limits of any municipality in the county that has its own school system.

Section 2. Nothing in this act shall affect the unexpired term of any present member of the Lee County board of education.

Section 3. The provisions of this act are supplemental and shall be construed in pari materia with all other laws relating to the Lee County board of education; however, those laws or parts of law indirect conflict or inconsistent herewith are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-633

H. 511—Rep. Rice

AN ACT

Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed clubs and retailers to sell or dispense draft or keg beer or malt beverages in Lee County, any provision of the Code of Alabama 1975 to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-634

H. 619—Rep. Laird

AN ACT

Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, all laws, rules, and regulations to the contrary notwithstanding, upon request by a property owner, the county health department or its agent shall perform soil percolation tests for a fee of not more than fifty dollars (\$50) which such tests are required for septic tank installation purposes.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-635

H. 672—Rep. Minus

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Forkland in Greene County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 3, Township 19N, Range 2E

NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 19N, Range 2E

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 19N, Range 2E

SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 19N, Range 2E

S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 3, Township 19N, Range 2E, less and except an approximated 15 acre strip on the East Boundary owned by Thomas and Nell T. Walton.

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, Township 19N, Range 2E

SW $\frac{1}{4}$ of Section 11, Township 19N, Range 2E, less and except approximately 32 acres located in said quarter section South of the St. Louis-San Francisco Railroad Right of Way.

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 11, Township 19N, Range 2E

NW $\frac{1}{4}$ of Section 11, Township 19N, Range 2E, less and except the approximately 32 acres located South of U. S. Highway 43 in the SW $\frac{1}{4}$ of said quarter section.

SW $\frac{1}{4}$ of Section 2, Township 19N, Range 2E, less and except NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said section.

NE $\frac{1}{4}$ of Section 2, Township 19N, Range 2E

SE $\frac{1}{4}$ of Section 2, Township 19N, Range 2E

That portion of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, Township 20 N., Range 2 East located South of the Forkland-Erie Public Road is the Southeast corner of said quarter-quarter section.

NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10, Township 19 North, Range 2 East Less and except the approximately 13 acres located South of the St. Louis-San Francisco Railroad right-of-way in said quarter-quarter section.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10, Township 19 North, Range 2 East.

That portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10, Township 19 North, Range 2 East, Located North of the St. Louis-San Francisco Railroad right-of-way.

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, Township 19 North, Range 2 East.

E $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, Township 20 North, Range 2 East.

SW $\frac{1}{4}$ of Section 34, Township 20 West, Range 2 East.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-636

H. 680—Rep. Laird

AN ACT

Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County, all laws, rules, and regulations to the contrary notwithstanding, upon request by a property owner, the county health department or its agent, shall perform soil percolation tests for a fee of not more than fifty dollars (\$50) when such tests are required for septic tank installation purposes.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-637

H. 681—Rep. White (L)

AN ACT

To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Be It Enacted by the Legislature of Alabama:

Section 1. The heading to §34-23-116 of the Code of Alabama of 1975 is hereby amended to read "Article not applicable to medicaid services or to services reimbursed by non-profit corporations operating health care service plans."

Section 2. Section 34-23-116 of the Code of Alabama of 1975

is hereby amended to read as follows:

“§34-26-116.

“This article shall not apply to any services rendered pursuant to provisions of the Alabama medicaid program or to any corporation organized under the provisions of Title 10, Chapter 4, Article 6, for establishment and operation of health care service plans.”

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-638

H. 694—Rep. Laird

AN ACT

Relating to Randolph County; providing further for the compensation of the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County, beginning with fiscal year 1983-84, the county commission is hereby authorized to fix the compensation of the county coroner at an amount not to exceed \$150.00 per month. Said compensation shall be in lieu of all other salary, expense allowance or other compensation provided by law and payable in equal monthly installments from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without the approval by the Governor.

Act No. 83-639

H. 770—Rep. Johnson (Roy)

AN ACT

Relating to Tuscaloosa County; providing for the filing for record and the preser-

vation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, all orders and decrees shall be made and entered by circuit judges sitting in and for said county on a sheet or sheets, commonly called trial sheets. There shall be a trial sheet or sheets for each case docketed in such court properly identified by the style of the case and a case number.

Section 2. After all orders and decrees have been made and entered, in any case, by the circuit judge or judges sitting in and for such county, the clerk of the circuit court of such county shall file such sheets in numerical order in well bound books labeled "Minute Books" and such judgments or decrees shall have the same force and effect as minutes of the circuit courts of the said county prior to the passage and approval of this act.

Section 3. All laws or parts of laws in conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-640

H. 816—Reps. Rains, Coleman, Harvey

AN ACT

Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The positions of county commissioner and county commission chairman of Marshall County shall be full time positions and the holder of any such position shall not hold a second job or be involved in any part time work. Such commissioners shall receive compensation for serving as full time officers in accordance with the minimum allowable by state law.

Section 2. This act shall be retroactive to October 1, 1982, because as of said date said commissioners began serving full time.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-641

H. 831—Rep. Minus

AN ACT

Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies to Choctaw County only.

Section 2. Section 1(c)(2)(v) of Act #82-344, Acts of Alabama regular session 1982 to the contrary notwithstanding in Choctaw County the taxes shall be paid as follows:

The entire amount of tax shall be paid to the Probate Judge and, after reimbursement of 2 ½ percent for services distributed as follows:

(A) 1/9 to the County general fund from which \$7,000.00 shall be credited to:

1. 1/3 to the Choctaw County Rescue Squad.
2. 1/3 to the Choctaw County Historical Society.
3. 1/3 to the Choctaw County Library System.

(B) of remainder, \$20,000.00 to Choctaw County Board of Education.

(C) Remainder up to \$90,000.00 to the county and municipalities on the basis of population.

(D) of revenue in excess of \$90,000.00 20% to the County Board of Education and remainder to the county and municipalities on the basis of population.

Section 3. This act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-642

H. 72—Reps. Johnson (Roy), Reed,
Goodwin, Laird, Mitchell,
Martin

AN ACT

Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time

of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-21-1, Code of Alabama, 1975 is hereby amended to read as follows:

“Section 34-21-1. For purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

- (1) **BOARD.** The board of nursing created hereunder.
- (2) **ADVISORY COUNCILS.** Advisory councils provided for under the terms of this chapter.
- (3) **PRACTICE OF PROFESSIONAL AND PRACTICAL NURSING.** Nursing is a profession the practice of which is defined as:

(a) **PRACTICE OF PROFESSIONAL NURSING.** The performance, for compensation, of any act in the care and counselling of persons or in the promotion and maintenance of health and prevention of illness and injury based upon the nursing process which includes systematic data gathering, assessment, appropriate nursing judgment and evaluation of human responses to actual or potential health problems through such services as case finding, health teaching, health counselling; and provision of care supportive to or restorative of life and well being, and executing medical regimens including administering medications and treatments prescribed by a licensed or otherwise legally authorized physician or dentist. A nursing regimen shall be consistent with and shall not vary any existing medical regimen. Additional acts requiring appropriate education and training designed to maintain access to a level of health care for the consumer may be performed under emergency or other conditions which are recognized by the nursing and medical professions as

proper to be performed by a registered nurse.

(b) **PRACTICE OF PRACTICAL NURSING.** The performance, for compensation, of acts designed to promote and maintain health, prevent illness and injury and provide care utilizing standardized procedures and the nursing process, including administering medications and treatments, under the direction of a licensed professional nurse or a licensed or otherwise legally authorized physician or dentist. Such practice requires basic knowledge of the biological, physical and behavioral sciences and of nursing skills but does not require the substantial specialized skill, independent judgment and knowledge required in the practice of professional nursing. Additional acts requiring appropriate education and training may be performed under emergency or other conditions which are recognized by the nursing and medical professions as proper to be performed by a licensed practical nurse.

(4) **LICENSED PROFESSIONAL NURSE.** A person who is currently licensed to practice professional nursing.

(5) **LICENSED PRACTICAL NURSE.** A person who is currently licensed to practice practical nursing."

Section 2. Section 34-21-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 34-21-2(a). There is hereby created the board of nursing, which shall be composed of ten members to be appointed as hereinafter provided for, which shall have the duties and powers hereinafter enumerated. In order to insure continuity of administration, the nine board members provided for by section 3 of Act No. 427, regular session 1975, shall continue to serve to the completion of the term for which they are serving. The Governor shall within sixty days of January 1, 1984 appoint a tenth member who shall be a licensed practical nurse for a term of four years from a list of nominees furnished him by the Licensed Practical Nurses' Association of Alabama, Incorporated as hereinafter provided. As the terms of all board members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. No member shall be appointed to more than two consecutive terms of four years each. Six members of the board shall be licensed professional nurses, and four members of the board shall be licensed practical nurses. The governor shall appoint the members of the board who are licensed professional nurses from a list of nominees furnished him by the board of directors of the Alabama State Nurses' Association, and such list, when furnished, shall contain at least twice the number of nominees as there are appointments to be made or vacancies to be filled. The board of directors of the Alabama State Nurses' Associa-

tion shall on or before December 1 of each year, or at such other times as necessary, furnish the governor with a list of licensed professional nurses qualified for appointment to the board. In the nominating and appointing process, due care will be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, and clinical nursing. The governor shall appoint two of the members of the board who are to be licensed practical nurses from a list of nominees furnished him by the board of directors of the Licensed Practical Nurses Association of Alabama, and such list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The board of directors of the Licensed Practical Nurses Association of Alabama shall on or before December 1 of each year in which the term of office of a board member or a nominee of said board of directors shall expire or at such other time as necessary, furnish the governor with such list of licensed practical nurses qualified for appointment to the board. The governor shall appoint two members on the board who are to be licensed practical nurses from a list of nominees furnished him by the board of directors of the Licensed Practical Nurses Association of Alabama, Incorporated, and such list, when furnished, shall contain at least twice the number of nominees for the vacancies to be filled. The board of directors of the Licensed Practical Nurses Association of Alabama, Incorporated, shall on or before December 1 of each year in which the term of office of the board member filled by the nominee of such board of directors shall expire, or at such other times as necessary, furnish the governor with a list of licensed practical nurses qualified for appointment to the board. The governor may remove any member from the board for neglect of duty of the board, incompetency or unprofessional or dishonorable conduct. Each person appointed to the board as a licensed professional nurse shall be a citizen of the United States and a resident of the state of Alabama and shall have these additional qualifications: be a graduate of a state approved educational program for the preparation of practitioners of professional nursing; be a currently licensed professional nurse in Alabama; have a minimum of five years' successful nursing experience in an administrative, teaching or clinical capacity and be actively engaged in professional nursing in this state immediately preceding and during appointment. Each person appointed to the board as a licensed practical nurse shall be a citizen of the United States and a resident of the state of Alabama and shall have these additional qualifications: hold a diploma from an accredited high school or its equivalent; be a graduate of a state approved vocational educational program for the preparation of practitioners of licensed practical nursing; be a currently licensed practical nurse in Alabama; have a minimum of five years' successful nursing experience and be actively engaged in li-

censed practical nursing in this state immediately preceding and during appointment.

(b). All members of the board shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

(c). The board shall have the following powers and perform the following duties: It shall meet at least once a year and shall, at its organization meeting and its annual meetings thereafter, elect from its members a president, a vice-president and a secretary. It may hold such other and additional meetings during any year as it deems necessary for the transaction of business. A majority of the board, including one officer, shall constitute a quorum at any meeting.

The board is authorized to:

(1) Adopt and, from time to time, revise such rules and regulations, not inconsistent with law, as may be necessary to carry out the provisions of this chapter.

Nothing in this chapter shall be construed as limiting the rights of affected parties to appeal decisions of the board with regard to rules and regulations promulgated hereunder;

(2) Prescribe standards and approve curricula for nursing educational programs preparing persons for licensure under this chapter;

(3) Provide for surveys and evaluations of such programs at such times as it may deem necessary;

(4) Approve such nursing educational programs as meet the requirements of this chapter and the board. Nothing in this chapter shall be construed to diminish the power of the state board of education or other constitutionally or legislatively established state agencies to govern the schools under their respective jurisdictions.

(5) Deny or withdraw approval from educational programs for failure to meet prescribed standards provided that withdrawal of approval shall be effected only after a hearing in accordance with board rules and regulations;

(6) Examine, license and renew the licenses of duly qualified applicants and require employers to submit listings of personnel covered by this chapter to the board upon request;

(7) Conduct investigations, hearings, and proceedings concerning alleged violations of this Act or of the rules and regulations of the board;

(8) Have the power to issue subpoenas, compel the attendance

of witnesses and administer oaths to persons giving testimony at hearings;

(9) Cause the prosecution of all persons violating the provisions of this chapter and incur such necessary expenses therefor;

(10) Keep a public record of all of its proceedings;

(11) Keep a register of all licensees;

(12) Make an annual report to the governor;

(13) Appoint and employ a qualified person, not subject to the state merit system, who shall not be a member of the board, to serve as executive officer;

(14) Define the duties and fix the compensation for the executive officer;

(15) Employ such other persons as may be necessary to carry on the work of the board and provide for appropriate bonding of employees; regular employees of the board shall be employed subject to the state merit system in effect on January 1, 1966 or at the time of employment;

(16) Employ consultants, specialists, counsel or other specially qualified persons under contract or on a part-time basis to assist it in administering this chapter and without regard to the state merit system in effect on or after January 1, 1966, and to pay for the services of such persons;

(17) Accept gifts and grants upon terms and conditions imposed by it through official resolutions;

(18) Perform such other duties, not inconsistent with law, as required by this chapter to foster and improve nursing and the regulation thereof and the public health of this state;

(19) Expend funds of the board in exercising its powers and duties and in administering this chapter;

(20) Determine and collect reasonable fees;

(21) Adopt standards for registered and practical nursing practice and for continued competency of licensees; and

(22) Join organizations that develop and regulate the national nursing licensure examinations and promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety and welfare.

(d) The executive officer, employed by the board as provided for herein, shall be a citizen of the United States and a person of the highest integrity and shall possess these additional qualifications: be

a licensed professional nurse in Alabama or eligible for licensure, be a graduate of a professional nursing program approved by the state in which the program was completed, hold a master's degree, and have had a varied experience in nursing, including at least five years' experience in an administrative or teaching capacity.

The executive officer shall be bonded for the faithful performance of the duties of the office in the sum of not less than \$5,000.00, and the premium of the bond shall be paid out of the funds of the board.

(e) Each member of the board shall receive \$50.00 per day for attendance at the board meetings, together with necessary travel and other expenses incurred in the discharge of his or her duties as a board member. In addition any member of the board engaged in duties under the direction of the board shall receive \$50.00 per day and necessary expenses."

Section 3. Section 34-21-6, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-21-6. This chapter does not prohibit: that furnishing of nursing assistance in an emergency; the practice of any legally qualified nurse of another state, who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties; the practice of nursing by students enrolled in approved schools of nursing, as may be incidental to their course of study, nor shall it prohibit such students working as nursing aides; the practice of any currently licensed Registered Nurse or Licensed Practical Nurse of another state whose employment responsibilities include transporting patients into, out of, or through this state or who is presenting educational programs or consultative services within this state not to exceed 30 days; persons, including nursing aides, orderlies and attendants, carrying out duties necessary for the support of nursing services, including those duties which involve supportive nursing services performed in hospitals and elsewhere under the direction of licensed physicians or dentists, or under the supervision of professional nurses licensed hereunder, nor gratuitous nursing of the sick by friends or members of the family, nor the care of the sick by friends or members of the family, nor the care of the sick when done in accordance with the practice of religious principle or tenets of any well recognized church or denomination which relies upon prayer or spiritual means alone for healing."

Section 4. Section 34-21-7, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-21-7. Any person or persons, firm, partnership, as-

sociation or corporation, who shall sell or fraudulently obtain or furnish any nursing diploma, license or license renewal or aid or abet therein; or practices nursing as defined in this chapter under cover of any diploma, license or renewal license fraudulently obtained or issued under fraudulent misrepresentation or, after January 1, 1968, practices professional nursing as defined in this chapter or, after January 1, 1971, practice practical nursing as defined in this chapter, unless duly licensed to do so under the provisions hereof; or uses in connection with his or her name any designation implying or tending to imply that he or she is a licensed professional nurse and licensed to practice as a registered nurse, or a practical nurse licensed to practice practical nursing as a licensed practical nurse, unless duly licensed to practice under the provisions of this chapter; or after January 1, 1968, practices professional nursing or, after January 1, 1971, practices practical nursing during the time his or her license issued under the provisions of this chapter shall be suspended, revoked or has expired; or conducts a nursing education program for the preparation of professional or practical nurses, purporting eligibility of its graduates for license hereunder, unless the program has been approved by the board; or knowingly conceals information relating to violations of this chapter; or otherwise violates any of the provisions of this chapter, shall be guilty of a Class A misdemeanor and upon conviction, shall be punished in accordance with the laws of the State of Alabama."

Section 5. Section 34-21-22(a), Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-21-22(a). An applicant for a license to practice practical nursing as a licensed practical nurse shall submit to the board written evidence of qualification, verified by oath, that said applicant is of good moral character, is a high school graduate and holds a diploma from an accredited high school, or in the opinion of the board, the equivalent thereof and has successfully completed an educational program at least one year's duration in a school of practical nursing, approved by the board.

Section 6. Section 34-21-23, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-21-23. The license of every professional nurse licensed under the provisions of this chapter shall be renewed biennially, and the term of the license shall be two years. Applicants for renewal shall apply for and complete the renewal application and forward same to the board, along with the renewal fee, during the renewal period that shall from time to time be specified by the board. The board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for a license

period of two years.

The license of every practical nurse licensed as a licensed practical nurse under the provisions of the chapter shall be renewed biennially, and the term of the license shall be two years. Applicants for renewal shall apply for and complete the renewal application and forward same to the board, along with the renewal fee, during the renewal period that shall from time to time be specified by the board. The board shall examine and verify the accuracy of the application and, if in order, shall issue a renewal receipt for a license period of two years.

Any person practicing nursing who allows his or her license to lapse by failing to renew, as hereinafter provided, may be reinstated and licensed by the board upon satisfactory explanation of such failure and upon payment of the required fees.

It shall be unlawful for any person to practice professional nursing in this state during the time his or her license to practice has lapsed, and such person shall be subject to the penalties of this chapter. It shall be unlawful for any person to practice practical nursing in this state during the time his or her license to practice has lapsed, and such person shall be subject to the penalties of this chapter.

A nurse not actively practicing professional nursing in Alabama, or not actively practicing practical nursing in Alabama, shall not be required to renew his or her license; but such person shall, prior to resuming the practice of professional nursing, or the practice of practical nursing, submit evidence of continued competence satisfactory to the board and secure a renewal license before reengaging in the active practice of professional nursing or in the active practice of practical nursing, as the case may be."

Section 7. Section 34-21-24, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-21-24. The board shall set the fees and charges annually for the services under this chapter.

Section 8. Section 34-21-25, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 34-21-25. (a) The board shall have the power to deny, revoke or suspend any license issued by it or to otherwise discipline a licensee upon proof that the licensee: is guilty of fraud or deceit in procuring or attempting to procure a license; has been convicted of a felony; is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession; is unfit or incompetent due to the use of alcohol, or is

addicted to the use of habit-forming drugs to such an extent as to render him or her unsafe or unreliable as a licensee; has been convicted of any violation of a federal or state law relating to controlled substances; is guilty of unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health or has willfully or repeatedly violated any of the provisions of this article, as defined by board rules and regulations.

(b) Whenever written complaint is made to the board that a person has committed any of the acts or come within any of the provisions enumerated in the preceding paragraph the board shall investigate said complaint and may bring an action in its own name to hear and determine said complaint, the hearing to be held in Montgomery, Alabama. The person whose qualification is under consideration shall have not less than 20 days' written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint; said notice may be served upon the accused by any sheriff of the state of Alabama and, if said person is out of the state or evades service, or cannot be served in person, then service may be made by mailing, by registered or certified mail, the notice and a copy of the complaint to said person at his last known post office address in this state, and the return shall show that service has been made in this manner.

(c) At the hearing, the complainant and the person whose qualification is under consideration, and any other person who may be permitted so to do by the board, shall have the right to introduce all such oral testimony or written testimony, or both, as the board may deem relevant to the issues involved, and the right to be heard in person or by counsel, or both. The board may permit the complaint to be amended, but no amendment shall be permitted which is not germane to the charge or charges sought to be amended or which materially alters the nature of any offense charged. The board shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure and as to the admissibility and weight of evidence. If the person, whose qualification is under consideration, absents himself or herself, the hearing may proceed in his or her absence.

(d) Any accused, complainant or other party and the board may subpoena witnesses or pertinent records for the hearing, and such subpoenas may be served by any sheriff of the state of Alabama. Witnesses may be sworn by the president of the board or by the person discharging the duties of the president. Witnesses testifying at such hearing shall upon discharge as a witness be paid by the party requesting the subpoena an amount not to exceed the per diem expense allowed to Alabama state employees for in-state travel and the actual cost of his transportation to and from the place of

the hearing, not to exceed the mileage rate allowed to Alabama state employees for in-state travel.

(3) Evidence may also be taken by deposition, and the law and practice as to depositions in circuit courts shall be followed in all reasonable respects.

(f) If the accused is found guilty of the charges, the board may refuse to issue a license or may revoke or suspend a license, or otherwise discipline a licensee. A revoked license may be considered for reinstatement after one year in accordance with board rules.

(g) Any person whose license is ordered suspended or revoked may appeal to the circuit court or a court of like jurisdiction of Montgomery County from any order of the board under this section, within 30 days from date of the decision of the board. The trial of appeals hereunder shall be conducted in like manner, as nearly as may be, as provided for in the Alabama Administrative Procedure Act.

(h) Any organization, registered nurse, licensed practical nurse or other person who in good faith reports information to the board alleging that any person licensed or applying for a license to practice nursing may be guilty of the acts, offenses or conditions set out in sections 34-21-7 or 34-21-25(a), shall not be liable to any person for any statement or opinion made in such report."

Section 9. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision or portion of this Act is declared invalid or unconstitutional, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act.

Section 10. All laws or parts of law which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 29, 1983

Time: 2:30 P.M.

Act No. 83-643

S. 188—Senators Denton and Cooley
AN ACT

To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications

with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-6-1, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

“§40-6-1. When officials commissioned as supernumeraries.

“(a) In the various counties of the state of Alabama having a population of less than 600,000 inhabitants according to the last or any subsequent federal decennial census, any tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes in any county of the state of Alabama:

“(1) Who has served for 14 years as such official in any county of Alabama and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, or

“(2) Who has served for 12 years as a county official for any county of Alabama, at least 10 years or more being continuously as tax collector, tax assessor, license commissioner, revenue commissioner or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect with the governor of the state of Alabama. If the governor of the state of Alabama shall find any such declarant qualified either under subdivisions (1) or (2) of this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes for the county in which he has served in the state of Alabama shall thereupon be issued to such declarant by the governor of the state of Alabama. In computing length of service as such official, the time served as any other county wide elected official of the county and/or the time served as chief clerk of the tax collector, tax assessor or license commissioner of any county shall be counted; or elected state and city official; or

“(3) Any person who has served 18 years as a county official for any county of Alabama, the last six or more years as tax collector, tax assessor, revenue commissioner, license commissioner, or

other elected official charged with the assessment and/or collection of ad valorem taxes, and prior thereto at least 12 years as chief clerk to the tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age or who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official by filing a written declaration to that effect with the governor of the state of Alabama. If the Governor shall find that any such declarant is qualified under this subsection, a commissioner as supernumerary tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued to the declarant.

(b) Any person serving as a supernumerary official on April 27, 1977 shall not be affected by this section. (Acts 1967, No. 755, p. 1609, § 1; Acts 1971, No. 1943, p. 3138, § 1; Acts 1973, No. 935, p. 1438, § 1; Acts 1977, No. 309, p. 410, § 2.)"

Section 2. Section 40-6-3, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

"§ 40-6-3. Life tenure; compensation.

"Every such supernumerary official shall serve for life and receive from the county governing body, in equal monthly installments on the first of each month, or in such installments as other county officials or employees are paid, an annual salary as follows:

"(a) For 12 years service he shall receive 50% of his average compensation during the last four years served as an official charged with assessing and collecting ad valorem taxes;

"(b) For 14 years service he shall receive 55% of such average compensation;

"(c) For 16 years he shall receive 60% of such average compensation; and

"(d) For 18 or more years he shall receive 65% of such average compensation; provided, however, that all persons presently serving as supernumerary officials under the provisions of this chapter on April 27, 1977, shall receive an annual salary of \$6,500.00, said sum to be paid in the same manner as heretofore provided in this chapter.

"The tax collector, if there is a supernumerary tax assessor or

tax collector in the county, or the license commissioner or person charged with the collection of any ad valorem taxes other than the tax collector, if there is a supernumerary license commissioner or other official charged with the assessing and/or collecting of ad valorem taxes in the county, shall out of the first money collected by him pay to the county, shall out of the first money collected by him pay to the county governing body the said sum which shall be paid to the supernumerary official as heretofore set forth. The said sum shall be deducted on a pro rata millage basis from payments to the state, county and all subdivisions and agencies thereof, except municipalities, to which the person collecting ad valorem taxes is charged with the distributing of ad valorem taxes collected under the law; provided, that should such official die or otherwise become disqualified as such supernumerary official, any money remaining in such fund shall be refunded to the person by whom it was paid to the county, and he shall distribute the money refunded to him to the state, county or other subdivisions and agencies on the same pro rata millage basis that it was originally withheld. (Acts 1967, No. 755, p. 1609, § 3; Acts 1973, No. 935, p. 1438, § 1; Acts 1977, No. 309, p. 410, § 2.)”

Section 3. Section 40-6-4, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

“§ 40-6-4. Deductions from salaries or fees of officials charged with assessment or collection of taxes.

“The governing body of such county shall deduct from the salary of the tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of each county, if such officials are paid by salary, an amount equal to six percent of the annual salary paid such official by the county. Such sum shall be deducted monthly and distributed at the end of the fiscal year on a pro rata millage basis to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If such officials are compensated by fees and commissions, the tax collector shall deduct from the money paid to the tax collector, tax assessor, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, an amount equal to six percent of the sum paid, and said amounts shall be distributed immediately to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If any person coming under the provisions of this chapter shall end his tenure of office prior to becoming supernumerary as provided in subsections (a) and (b) of section 40-6-1 the official whose tenure of office has ended may elect to have the total amount paid by him refunded

or, if qualified by length of service but not age, may elect to wait until reaching age 60 and then receive the annual salary as provided for in section 40-6-3. In the event such persons die in office prior to becoming supernumerary, the amount paid in by him or her shall be paid to his or her estate. Likewise, any surplus remaining from contributions made by a supernumerary official who dies after becoming supernumerary but before he or she has drawn out as much as he or she had paid in prior to becoming supernumerary, shall be paid to his or her estate. Any person desiring to come under the provisions of this chapter pursuant to subdivisions (2) or (3) of subsection (a) of section 40-6-1, shall pay to the county tax collector such proportionate sum as to equal the amount he would have been required to pay if he were employed as a tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county, such proportionate sum to be distributed by the tax collector as provided in this section. (Acts 1967, No. 755, p. 1609, §4; Acts 1971, No. 1943, p. 3138, § 1; Acts 1977, No. 309, p. 410, §3.)”

Section 4. Section 40-6-5, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

“§40-6-5. Election by officials eligible for retirement under another plan.

“If such official is eligible for retirement under any state or county retirement act, he shall be allowed to elect whether he shall be appointed to a supernumerary office as provided herein or become a beneficiary under such other retirement plan. This election must be made in writing to the county governing body or such other person or office who administers such other retirement plan within 60 days from the effective date of this act; provided, however, any person who shall take office as tax assessor, tax collector, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, after the effective date of this act shall make such election within 60 days of the date upon which the oath of office is taken. The legislature herein grants an additional 60 days from the effective date of this act for such officials who have not previously elected to come under the provisions of this chapter to make such election; provided, however, that any such official who elects to come under the provisions of this chapter, as provided in this section, shall immediately upon such election pay to the county tax collector for each prior year of eligible service such sum as he would have paid had he previously elected to come under the provisions of this chapter, and the tax collector shall thereupon distribute such sum as provided in section 40-6-4. (Acts 1967, No. 755, p. 1609, § 5; Acts 1969, No. 218, p. 540, § 1; Acts 1977, No. 309, p. 410, § 4.)”

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided, however, that any officials serving as supernumeraries under the provisions of this Chapter prior to the passage of this act shall not be affected by the provisions of this act.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-644

H. 296—Rep. Holley

AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an employee review panel to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of employees.

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind not to include production workers at the Alabama Industries for the Blind, educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, who are so employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants supervisors and all other persons not otherwise certified by the State Board of Education. Only full-time employees who are not otherwise covered by the State Merit System, the Teacher Tenure Law, or other state statute at the time this act is adopted are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require twenty (20) or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are excluded from the Act.

Section 2. Probationary period.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed three years from the date of his or her initial employment, or a lesser period which may be fixed by the employing authority.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

Section 3. Non-probationary status.

Upon the completing by the employee of said probationary period, said employee shall be deemed employed on a non-probationary status and said employee's employment shall thereafter not be terminated except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, insubordination, immorality, justifiable decrease in jobs in the system, or other good and just causes; provided, however, such termination of employment shall not be made for political or personal reasons on the part of any party recommending or voting to approve said termination.

Section 4. Termination of Employment.

Employment of an employee on permanent status must be terminated only in the following manner:

The employing board of education shall give notice in writing to the employee, stating in detail the reasons for the proposed termination, the facts upon which such reasons are based, and giving notice of the employee's rights to a hearing as set out herein. Said action of giving notice of termination shall be made only upon recommendation of the superintendent and upon approval of a majority of the members of the employing board which action shall be reflected in the board minutes.

Section 5. Notice of Termination; Right to hearing.

Notice to the employee shall be served either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. The employing board may suspend said employee with pay until the charges are heard and determined. This section, however, does not mandate pay in cases involving moral turpitude. If such charges are found to be unfounded, pay would be reinstated. Such notice shall also inform the employee that in order to contest said termination, the employee must file with the employing board, within fifteen (15) days after receipt of such notice, notice of an intention to contest

the termination of said contract. If the employee does not file an intention to contest with the employing board within fifteen (15) days after receipt of such notice of intention to terminate said contract, then the employing board may dismiss the employee by a majority vote and such dismissal shall be final.

Section 6. Appellate Process to Contest Termination.

An appeal of the decision of the employing board may be filed by the employee within fifteen (15) days of receipt of the board's decision by mailing a notice to the superintendent of education and/or president of the junior/technical or community college or institution. Upon receipt of the request, the employing board and the employee may (1) mutually agree upon a person to hear the employee's appeal or (2) select a panel of three persons, one selected by the employing board, and another selected by the employee and a third agreed upon by the two parties listed herein above which shall constitute an employee review panel to hear the employee's appeal. If there is no agreement on the selection of a third member within ten (10) days following the selection of the second member, the Probate Judge of the county in which the dispute originated shall submit the names of three individuals who are qualified electors of that same county who, in the Probate Judge's opinion, would be qualified through their experience and training to render a fair and impartial decision as the third member of the employee review panel and said persons selected for membership on the employee review panel shall not be currently employed in the field of education. From these three names, the employing board shall then strike the first name and the employee shall strike the second name with the person whose name remains becoming the third member of the employee review panel.

Section 7. Hearing Process.

Upon the employee review panel's selection to hear a case, the panel shall within ten (10) days establish a date, place, and time for the hearing to be conducted. The date of such hearing shall in no case be later than sixty (60) days following the decision of the employing board. Upon the completion of a de novo hearing, the panel's decision must be rendered within forty-five (45) days. The parties shall have the right of counsel or representation of their choosing. In making its decision, the panel shall consider whether the action of the board or its administrative staff was arbitrary or unjust or for political or personal reasons on the part of any member of the board or its staff and whether the board's action was warranted based upon the facts of the case and the employment record of the employee. The decision of the panel shall be final and binding upon the parties. Expenses and fees of the employee review panel

shall be shared equally by the board and employee.

Section 8. Transfer.

The employing board shall have authority to transfer employees, however, such transfer shall be based upon good and just cause needs of the school or institution and shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board and shall be without loss of status for the employee. Appeals of a decision to transfer shall be handled in the same manner as for termination and the decision of the employee review panel shall be final and binding on the parties.

Section 9. Discipline.

The employing board of education shall have authority to reprimand, censure, or suspend with or without pay, an employee for just cause. Such action on the part of the employing board or its management shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board. The employee shall have the right to contest the board's action by appealing through the same manner as for termination and the decision of the employee review panel shall be final and binding on the parties.

Section 10. Severability.

If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of the Act which is not in and of itself invalid or unconstitutional.

Section 11. Repealer.

All laws or parts of laws inconsistent or in conflict with the provisions of the Act are hereby expressly repealed.

Section 12. Effective date.

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

AN ACT

To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-29-2 of the Code of Alabama 1975 is hereby amended to read as follows:

“§36-29-2.

“The state employees' insurance board shall consist of the members of the state personnel board, together with the director of finance, the secretary-treasurer of the employees' retirement system of Alabama and two members who are regular employees of the state. The present ex officio officers named shall constitute the membership of the board created, and their successors in office, by virtue of assuming such office, shall succeed to membership on the board. The two state employee members of the board shall be elected at the next regular election for the officers of the Alabama state employees' association as follows:

At the expiration of the term of the existing state employee members of the board one state employee member of the board shall be elected for a two year term and every four years thereafter, and the other state employee member of the board shall be elected for a four year term, and every four years thereafter. Vacancies of the state employee members of the board shall be filled for the remainder of the term by special election of the Alabama state employees association. The chairman of the state personnel board shall serve as the chairman of the state employees' insurance board.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-646

H. 231—Rep. Martin

AN ACT

To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the State Highway Department or

the official of the Highway Department designated by the director may, at his discretion, upon application and for good cause being shown therefore, issue special permits to the applicant, for movement on or over the public highways, for motor vehicles when used in the transportation of site-built residential buildings or otherwise, which had at one time been affixed to a permanent foundation; provided, however, that this act shall not extend to those motor vehicles used in the transportation of what is commonly referred to as mobile homes, house trailers, prefabricated housing or other factory-built buildings.

The applicants for the permits issued under this act shall state if the route of the movement will cross one or more railroads at grade.

If such a crossing is to be made, the director of the State Highway Department or the official of the Highway Department designated will notify the railroad or railroads involved, stating the time and route of the anticipated move.

Section 2. The fee for the issuance of such permits shall be the same as set forth in Section 32-9-29(c), Code of Alabama 1975.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-647

H. 275—Rep. Cosby

AN ACT

To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, are hereby amended to read as follows:

“Section 34-25-3. (a) Every polygraph examiner shall use an

instrument which, as a minimum, records visually, permanently and simultaneously:

- “(1) A subject’s cardiovascular pattern;
- “(2) A subject’s respiratory pattern; and
- “(3) A subject’s galvanic skin response.

“(b) Patterns of other physiological changes in addition to paragraphs (1), (2) and (3) of subsection (a) may also be recorded.

“The use of any instrument or device to detect or to verify truth of statements which does not meet these minimum instrumentation requirements is hereby prohibited.”

“Section 34-25-5. (a) The board shall issue regulations consistent with the provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.

“(b) An order or a certified copy thereof, over board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.

“(c) All fees collected under the provisions of this chapter shall be paid to the board secretary. Such fees collected shall be deposited with the state treasurer for the board. Warrants shall be issued by the department of finance, state comptroller, for board expenses and operation provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Article 4 of Chapter 4 of Title 41 of this code and only in the amounts as stipulated in the general appropriations bill.

“(d) Board members shall be paid \$100.00 per day plus mileage for attendance at regular or special board meetings, only for the actual days of meeting. The board may approve such payment for a board member when authorized by the board to perform certain other duties of the board when not in formal, regular, or special session.

“(e) Employees shall be paid the same mileage expenses and travel allowance as provided for regular state employees.

“(f) The board shall have the authority and discretion to determine all other necessary expenses in operation of the board. Such expenses shall be subject to the state bid law. Purchases may be made through the finance department purchasing agency.

“(g) The board shall be exempt from payment of state sales tax.”

"Section 34-25-26. The fee requirements prescribed in paragraphs (1), (2), (3), (5) and (6) of this section are not applicable to polygraph examiners while employed by and performing for a governmental agency; provided, that they submit to the board satisfactory proof that they are so employed and so performing. The fee requirements of this chapter do apply to polygraph examiners, including those employed by governmental agencies, who engage in polygraph examinations on any commercial basis. The fee to be paid, effective October 1, 1983:

"(1) By an applicant for an examination to determine his fitness to receive a polygraph examiner's license is \$150.00, which is not to be credited as payment against the license fee and is not refundable;

"(2) For an original polygraph examiner's license is \$150.00;

"(3) For an internship license is \$100.00;

"(4) For the issuance of a duplicate polygraph examiner's license is \$20.00;

"(5) For a polygraph examiner's renewal license is \$125.00;

"(6) For the extension or renewal of an internship license is \$100.00; and

"(7) For a duplicate internship license is \$20.00."

"Section 34-25-29. Each polygraph examiner's license shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually as prescribed by the board. A polygraph examiner whose license has expired may at any time within six months after the expiration thereof obtain a renewal license without examination, by making a renewal application therefor and satisfying paragraphs (2), (3) and (4) of subsection (a) of section 34-25-21. However, any polygraph examiner whose license expired while he was in the federal service on active duty with the armed forces of the United States, or the national guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service may have his license renewed without examination if within six months after termination of such service, training or education, except under condition other than honorable, he furnishes the board with an affidavit to the effect that he has been so engaged and that his service, training and/or other education has been so terminated. Paragraphs (2), (3) and (4) of subsection (a) of section 34-25-21 must also be satisfied."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-648

H. 286—Reps. Poole, Junkins, Layton,
Bennett, Hall, Butler,
Freeman, Rogers, Smith,
Johnson (Roy), Brakefield,
Minus

AN ACT

Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, in all cases involving distribution of revenues to counties and municipalities, the state agency charged with the responsibility of apportionment of such funds shall eliminate all payments of less than five dollars (\$5) to a municipality and shall include the amount to eliminated in any payment to be made to the county in which such municipality is located.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-649

H.J.R. 329—Reps. Kennedy, Buskey, Clark

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply saddened by the death of Mr. James R. Gavin of Mobile, Alabama, on June 14, 1983, at the age of 64 years; and

WHEREAS, prior to his retirement this past January, 1983, Mr. Gavin had been a loyal employee of the Alabama Drydock and Shipping Company for more than 44 years, and was serving in retirement capacity as Painter Supervisor; and

WHEREAS, Mr. Gavin, though associated through service in numerous areas of community concern, was most particularly dedicated to the affairs of his Church and in Christian activities of inter-denominational scope; and

WHEREAS, as a lifelong and devoted member of Big Zion AME Zion Church, Mr. Gavin served as a faithful and dedicated member of the Board of Trustees, as a member of the Gospel Chorus and the J. C. Coleman and Chancel Choirs; he also served as a Class Leader and member of the Steward Board, and at the time of his death, was Ministry of Kindness Steward and Leader of the Prayer Breakfast; and

WHEREAS, Mr. Gavin further sang with the Men's Interdenominational Singing Aggregation and was a longtime and active layman, serving churches of several denominations; and

WHEREAS, even as we mourn, we give thanks for the Christian life of Mr. James Gavin whose legacy of love and service lives after him, comforting those who sorrow and who are bereft in their grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are sorely grieved by the death of Mr. James R. Gavin of Mobile, Alabama, and extend our very deepest sympathy to: his devoted wife, Mrs. Lucinda Gavin; his three daughters and four sons; his stepsons, grandchildren, brothers and sisters; and other relatives and friends to whom a copy of this resolution shall be sent in expression of our sincerely shared sorrow in their great loss.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-650

H.J.R. 332—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Druid City Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Druid City Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Druid City Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-651

H.J.R. 334—Reps. Bowling, Drake

HOUSE JOINT RESOLUTION

COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Cullman Medical Center, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Cullman Medical Center in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Cullman Medical Center on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-652

H.J.R. 335—Rep. Coleman

HOUSE JOINT RESOLUTION

CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL ASSOCIATION FOR THE YEAR 1983-1984.

WHEREAS, Jesse Brown, Administrator of Arab Hospital, was installed as Chairman of the Alabama Hospital Association during the Association's 62nd Annual Convention in Huntsville, and

WHEREAS, Jesse Brown is a native of Marshall County and holds a Bachelor's Degree for the University of Alabama and a Master's Degree from the University of South Carolina, and

WHEREAS, Jesse Brown is a graduate of the Advanced Health Service Administrator Development Program at the University of Alabama in Birmingham, and

WHEREAS, Jesse Brown is not only active in the Alabama Hospital Association, he serves as President of the Arab Rotary Club, he is a member of the Marshall-Jackson Mental Health Board of Trustees and a member of the Reserve Officer's Association of the

United States, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, we congratulate Jesse Brown of Arab, Alabama on becoming Chairman of the Alabama Hospital Association for the year 1983-1984.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-653

H.J.R. 337—Rep. Starkey

HOUSE JOINT RESOLUTION

COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Colonial Manor Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as “optimal achievable” because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Colonial Manor Hospital in twenty-four different areas.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Colonial Manor Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-654

H.J.R. 341—Rep. Venable

HOUSE JOINT RESOLUTION

COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Community Hospital of Tallassee, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as “optimal achievable” because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Community Hospital of Tallassee in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Community Hospital of Tallassee on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-655

H.J.R. 343—Rep. Smith

HOUSE JOINT RESOLUTION

COMMENDING *THE BIRMINGHAM NEWS* FOR ITS INITIATION OF "PROJECT HELP!"

WHEREAS, to fill an urgent need for numerous Alabamians, *The Birmingham News* initiated "Project Help!" which has distributed, since December, more than \$100,000 in donations by individual citizens and organizations who have been exceedingly generous in their concern for others; and

WHEREAS, during these times of grave economic hardship, many needy families have exhausted all possible resources for assistance, and "Project Help!" has provided a temporary helping hand to those who suffer from longtime unemployment and those struck by tragedy, illness and other family crises; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend *The Birmingham News* and all those who have been a part of "Project Help!"—those who, in helping others, have demonstrated the strength of compassion and love.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to *The News* in expression of appreciation and on behalf of all those who have found hope through "Project Help!"

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-656

H.J.R. 346—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Hill Hospital of York, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American

Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator and laboratory technologist, visited and evaluated the performance of Hill Hospital of York in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Hill Hospital of York on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-657

H.J.R. 348—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

WHEREAS, Alabamian, Doctor Thomas K. Hearn, Jr., was recently named to the presidency of Wake Forest University in Winston-Salem, North Carolina; and

WHEREAS, Thomas K. Hearn, Jr., Ph.D., is a true son of the State of Alabama in that he was born in Opp to Mr. and Mrs. Thomas K. Hearn and raised in Albertville where he received his early education; and

WHEREAS, he went on to graduate from Shades Valley High School and received his B.A. degree summa cum laude at Birmingham-Southern College before earning his M.A. at the University of North Carolina in Chapel Hill, his Bachelor of Divinity degree at Baptist Theological Seminary in Louisville, Kentucky, and his Ph.D.

degree at Vanderbilt University; and

WHEREAS, he has served as professor and chairman of the Department of Philosophy at the University of Alabama in Birmingham (1974-76), dean of the UAB School of Humanities (1976-78), vice president of UAB's University College (1978-82) and senior vice president since December 1983; and

WHEREAS, he has consistently worked to increase UAB's community involvement and has been a major influence in the development of the arts and humanities in Alabama; and

WHEREAS, he has been a driving force in the effort to bring traditionally non-medical and medical disciplines together, and has helped develop doctoral programs in both biomedical engineering and medical psychology at UAB; and

WHEREAS, under his leadership UAB's non-health programs have developed into some of the most distinguished such programs in the United States; and

WHEREAS, Dr. Hearn has brought further honor to UAB and his state by receiving the appointment as President of Wake Forest University effective October 1, 1983; and

WHEREAS, he and his wife, Barbara Neely Hearn, and his three children—Thomas K. Hearn III, Lindsay Marie Hearn, and William Neely Hearn—are all expected to continue to serve as outstanding representative citizens of the State of Alabama regardless of their places of residence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Thomas K. Hearn on his recent appointment to the presidency of Wake Forest University; we further wish him every continuing success and direct that he receive a copy of this resolution in declaration of our sincere warm praise and highest personal regard.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-658

H.J.R. 358—Reps. Carothers, Grimsley, Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant,

Buskey, Butler, Campbell,
 Carter, Casey, Clark,
 Clikas, Coburn, Coleman,
 Cosby, Crow, Davis,
 Drake, Drinkard, Dutton,
 Escott, Faulk, Flowers,
 Ford, Freeman, Gaston,
 Goodwin, Grouby, Hall,
 Hammett, Harper,
 Harvey, Hettinger, Holley,
 Holmes, Horn, Howard,
 Johnson (A.L.), Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley,
 Martin, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman,
 Nicholson, Owens, Parker,
 Payne, Penry, Poole,
 Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas, Thornton,
 Trammell, Tucker,
 Turner, Turnham,
 Venable, Waggoner,
 Warren, White (F), White
 (L), Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

WHEREAS, the July 1, 1983, retirement of Mr. Wallace Lee Smith, Jr., as principal of Ashford High School brings to a close an outstanding career of 33 years with the Houston County Schools; and

WHEREAS, a native of Dothan, Alabama, and educated in the public schools of that city, Mr. Smith also is a graduate of Alabama State University with a B.S. degree and of Tuskegee Institute where

he earned his Master's degree; and

WHEREAS, Mr. Smith is a four-year veteran of the United States Army, including two years overseas duty in Okinawa, and was honorably discharged with the rank of Master Sergeant; and

WHEREAS, Mr. Smith has served the youth of Houston County both as a classroom teacher and as principal and his tenure has spanned the administrations of three superintendents—Mr. Solomon Baxter, Mr. James T. Willoughby and Mr. Louie Sellers; and

WHEREAS, Mr. Smith's professional affiliations include membership in the Alabama and National Education Associations as well as the Alabama State Association of Secondary School Principals; he is a member also of Masonic Lodge #54, Elks Lodge #810, Alpha Phi Alpha Fraternity and of Park Chapel A.M.E. Church where he is faithful in attendance and in service as a member of the Board of Trustees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Wallace Lee Smith, Jr., on his accomplished career of 33 years with the Houston County Schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Smith that he and his wife, Mrs. Lucille G. Smith and their sons, Wally Renee and Gary Jerome Smith, may know of our sincere praise and of our warm best wishes for his every future success.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-659

H.J.R. 378—Reps. Smith, Butler, Dutton,
Blakeney, Richardson,
Mathis, Penry, Grimsley,
Bowling, Faulk, Preuitt,
White (F.), Rains, Harvey,
Hall

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

WHEREAS, the Alabama Department of Agriculture and Industries was created as the Department of Agriculture by legislative

act in February 1883, becoming operational on September 1 of that year in its original location at what is now Auburn University; the department was moved to the State Capitol in Montgomery in 1886; and

WHEREAS, the department's first few commissioners were by gubernatorial appointment for terms of two years, a determination altered by a legislative act in 1891 to require election by popular vote; adoption of the 1901 Constitution brought about two additional changes with the designation "and Industries" added to the department's title and a change to four-year terms for the department's chief administrator; and

WHEREAS, during the past 100 years, other modifications have drastically altered the functions, structure and responsibilities of the department, with the first major reorganization taking place in 1923 with passage of the Agricultural Code of Alabama; this Act served as the basic legislative foundation of the current department and its activities; additional code revisions have also further increased the responsibilities and powers of the department, and the Commissioner has been charged with the authority to reorganize the department at his discretion within the basic foundation as set out by law; and

WHEREAS, the department is now under the central authority of the State Board of Agriculture and the basic organizational framework consists of some ten divisions; a state laboratory has also been established, as has the Alabama Industrial Board to oversee the Industry Section of the department; and

WHEREAS, today the State Department of Agriculture and Industries is housed in a spacious modern facility with offices for the Commissioner and all divisions, as well as Food and Drug, Agricultural, Chemical and Petroleum laboratories; other laboratories are located in Auburn, Elba, Albertville and Dothan, and shipping point inspection stations throughout Alabama; and

WHEREAS, thus, with a budget of over \$14 million, 300 full-time and more than 300 part-time workers, the State Department of Agriculture and Industries continues to serve Alabama farmers and consumers as it has for 100 years, its Commissioner and employees charged with regulatory and promotional responsibilities that touch the lives of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations and utmost commendation to the Commissioner of Agriculture and Industries and to all employees in this, the 100th year of the Department's invaluable service to the State of

Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Commissioner Albert McDonald on behalf of the entire Department of Agriculture and Industries.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-660

H.J.R. 379—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. Henry Porter Orr, Professor of Horticulture at Auburn University, has retired after 34 years of service; and

WHEREAS, his retirement ended an outstanding career of providing leadership in horticulture, said leadership being of such quality as to inspire those with whom he was associated; and

WHEREAS, Dr. Orr, as teacher and advisor, made significant contributions to horticulture in Alabama and the nation, made lasting impressions on Auburn horticultural students and, as a citizen, served well his community, state and nation; and

WHEREAS, he served the Alabama Nurseryman's Association, the Alabama Florist's Association, and the Alabama Garden Clubs with distinction in many capacities for more than 30 years; and

WHEREAS, Dr. Orr has opened his house (Ivy) and grounds to both students and guests of Auburn University, extending exceptional hospitality to all; and

WHEREAS, he has dedicated his life to making Alabama a more beautiful and healthy place in which to live, and has made his love of plants contagious to all those with whom he has been in contact; and

WHEREAS, Dr. Orr has received many awards for his professional accomplishments including the L. M. Ware Teaching Award, International Shade Tree Conference Award, Garden Club of Alabama Special Award for Outstanding Achievement and the Garden Club of Alabama Distinguished Award; and

WHEREAS, the Board of Trustees has approved the naming of the new vinery in the Auburn University Arboretum in his honor which shall hereafter be known as the Henry P. Orr Vinery; now

therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we officially join in the naming of this part of the Auburn University Arboretum for Henry P. Orr and express our sincere appreciation to him for his many years of service to our state; we further most highly commend Dr. Orr on his illustrious career and express all best wishes for his every future success and happiness.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-661

H.J.R. 396—Reps. Butler, Scott, White
(L.), Johnson (R.G.),
Davis, Thomas, Freeman

HOUSE JOINT RESOLUTION

COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

WHEREAS, a recent announcement has heralded a plan to be coordinated by the Medical Association of the State of Alabama to provide health care for those in our state unemployed since January 1, 1982; and

WHEREAS, under the plan, called Project Doctor's Care, hundreds of doctors across the state will volunteer their time to provide health care for those jobless, and without medical benefits, for the past 18 months; and

WHEREAS, as a result of Alabama's high unemployment, thousands of our citizens, through no fault of their own, now have no source of income and have completely depleted their family's savings and other assets; and

WHEREAS, without medical insurance, and/or eligibility for other medical assistance, many of our needy have had to forego medical attention regardless of the severity of their illnesses or handicaps; and

WHEREAS, Project Doctor's Care will now fill the tragic void in health care for all Alabamians that has heretofore existed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend the Medical Association of the State of Alabama on the initiation of its Project Doctor's Care and direct that a copy of this resolution be sent to Dr. Hamilton H. Hutchinson, President of MASA, on behalf of the entire organization, and in expression of the Legislature's appreciation of and regard for the Association's benevolence.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-662

H.J.R. 398—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. Howard J. Turner, Jr., of Epes, Alabama, is a 1970 graduate of Livingston High School where he excelled in academics, in extra curricular activities and in school leadership, being a member of the Beta Club and Giftorian of his Class; and

WHEREAS, Mr. Turner attended Livingston University from 1971-1972, where he continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, he completed his education at the University of Alabama in 1975, during which time he as very active in campus activities and in charitable organizations; and

WHEREAS, Mr. Turner has served his community as a member of the Port of Epes Planning Committee from 1976-1977, and as a member of the Sumter County Democratic Executive Committee from 1978 until 1982, and served as the Treasurer for the Epes Super Club for two years; and

WHEREAS, Mr. Turner has been very active in church affairs, donating a prayer park to enhance historic St. Albans Church in Gainesville; and

WHEREAS, Mr. Turner has, throughout his adult life, been very active in supporting the Ruby Pickens Tartt Public Library, both by donations of money and books; and

WHEREAS, Mr. Turner was instrumental in the establishment of a public park at Epes, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Howard J. Turner, Jr., of Epes, Alabama, for

outstanding achievement and for distinguished service to his community.

BE IT FURTHER RESOLVED, That Mr. Turner receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-663

H.J.R. 422—Rep. Sasser

HOUSE JOINT RESOLUTION

COMMENDING AND HONORING JUDGE VAL L. MCGEE.

WHEREAS, Judge Val L. McGee, District Court Judge of Dale County has operated his court in an exemplary fashion in the prosecution of alcohol related offenses with full emphasis placed on deterrence of drunk driving as well as striving to rehabilitate the problem drinker, and

WHEREAS, Judge Val L. McGee, has utilized referrals to Dale County Alcohol Abuse Services coupled with weekly attendance at Alcoholics Anonymous and monthly reports to the court to punish and at the same time rehabilitate repeat DUI offenders, and

WHEREAS, the 1983 Session of the Alabama Legislature recognized the life threatening problem of drunk driving and applauds Judge Val L. McGee for his continuing effort to do his part in helping to stop the death and destruction caused each year on the highways of Alabama and the nation by drunk drivers, and

WHEREAS, Judge Val L. McGee's initial draft of a bill to strengthen the D.U.I. laws sparked numerous suggestions and alternatives resulting in tough legislation during the 1983 Session of the Alabama Legislature to address the DUI problem in the State of Alabama, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we most highly commend Judge Val L. McGee for his time proven method of punishing while at the same time attempting to rehabilitate the repeat DUI offender in his court.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-664

H.J.R. 424—Reps. Smith, Murphy, Moore

HOUSE JOINT RESOLUTION

COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Alabama Legislature notes that Dr. James F. Vickrey, Jr., President of the University of Montevallo and a catalyst among academicians, was honored recently as "Outstanding Administrator of the Year" for 1982-83, bestowed by the Alabama Association of College Administrators, the Alabama Association of Women Deans, Administrators and Counselors, the Alabama Association of Colleges and Universities and the Alabama Association of University Administrators; and

WHEREAS, the Alabama Legislature notes that this prestigious honor has been well placed in Dr. Vickrey; and

WHEREAS, Dr. Vickrey has earned many accolades for his administrative acumen and his innovative leadership as President of the University of Montevallo since 1977; and

WHEREAS, Dr. Vickrey was one of the founders and former president of Alabama Association of Colleges and Universities and recently was the recipient of the "John Buchanan Award" for his contribution to student financial aid in Alabama; and

WHEREAS, Dr. Vickrey has given generously of his time and talents for the improvement of higher education throughout the state; and

WHEREAS, Dr. James F. Vickrey, Jr., is a member of the Speech Communication Association, the Council for the Advancement and Support of Education, serving as a member of the national government relations committee; the American Association of State Colleges and Universities, where he served as a member of the policies and purposes committee; the American Council of Education, where he served as a charter member of the self-regulation committee; the American Association of University Administrators; and the President's Council of the National Association of Intercollegiate Athletics; and

WHEREAS, he helped to found and served as president of the Alabama Association of Colleges and Universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. James F. Vickrey, Jr., as one of our state's most outstanding educators and particularly for this latest honor of "Out-

standing Administrator of the Year," 1982-83.

BE IT FURTHER RESOLVED, That Dr. James F. Vickrey, Jr., receive a copy of this resolution so that he may know of our esteem and admiration.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-665

H.J.R. 427—Reps. Nicholson, Brakefield,
Kennedy

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

WHEREAS, the legislature of the State of Alabama has noted that Walker College has won first place in the Alabama Junior College Scholar's Bowl League; and

WHEREAS, team Captain Tim Martin of Oakman, Alabama finished sixth in the state in over-all scoring and earned all-league honors; and

WHEREAS, team member Barry McCleney earned the distinction of being named to the all-tournament team at the UAB Tournament; and

WHEREAS, Phillip Jean was selected League Coach of the Year by his fellow coaches; and

WHEREAS, even though individual team members won several honors this success was a result of a team effort with all team members contributing; and

WHEREAS, the accomplishments of these young men and women exhibit the commitment of Walker College to academic excellence as well as athletic competition which serves as an example to all schools and a tribute to the faculty and administration of Walker College; and

WHEREAS, the Legislature of Alabama feels that his achievement should be recognized and commended.

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker College and the Walker College Bowl Team are hereby congratulated and commended for their outstanding dedication and achievement.

BE IT FURTHER RESOLVED that Walker College, Coach Phillip Jean, Tim Martin, Barry McCleney, Mike Eskeridge, Renee Palmer, Kathy Wingo and Sherry Argent be sent copies of this resolution so that they may know of our high regard.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-666

H.J.R. 431—Reps. Waggoner, Moore,
Escott

HOUSE JOINT RESOLUTION

COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.

WHEREAS, Dr. Catherine Steinmitz Amos of Birmingham, Alabama, recently was named "Optometrist of the Year" by the Alabama Optometric Association at their annual convention; and

WHEREAS, the honor bestowed on Dr. Amos was for her many contributions to her profession and to the association during her nine years of practice; and

WHEREAS, Dr. Catherine S. Amos, a native of Parsons, Kansas, received her Bachelor of Science in Optometry in 1972 from the University of Indiana and earned the Doctor of Optometry degree from the University of Alabama at Birmingham in 1974, and she is a clinical assistant professor at the University of Alabama School of Optometry in addition to her private practice; and

WHEREAS, Dr. Catherine S. Amos is a member of many professional organizations, a member of the American and Alabama Optometric Associations, and a "Fellow of the American Academy of Optometry"; she is a member of the Board of Directors of the Alabama Optometric Association; she presently is serving as the Legal Legislative Chairman of that Association; and served as its president from 1981 to 1982, the first woman ever elected to that office; and

WHEREAS, Dr. Amos is the author of nine publications on optometry and pediatric optometry and has lectured at many other states' optometrists conventions and the American Academy of Optometry, all of which have brought her the esteem and great admiration from her peers; and

WHEREAS, Dr. Catherine S. Amos was inducted into the Women's Academy of the Southern Women's Archives in October

1981 and in 1979 she was awarded one of the "Outstanding Young Women of the Year" selections; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend Dr. Catherine S. Amos for her dedication to her profession and for the many contributions which have resulted in the betterment of our citizens' welfare, and particularly we do heartily congratulate her on being selected as "Optometrist of the Year" by the Alabama Optometric Association.

RESOLVED FURTHER, That we do send a copy of this resolution to Dr. Amos so that she may know of our esteem and sincere praise.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-667

H.J.R. 453—Reps. White (L.), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore,

Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F.), Williams,
 Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE REPRESENTATIVE
 RICK MANLEY OF DEMOPOLIS.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference of the Council of State Governments was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of SLC with the placement of three of our colleagues in influential office; and

WHEREAS, it is especially to be noted that Representative Rick Manley of Demopolis was elected to the prestigious office of vice chairman, a position in ascendancy to the chairmanship, of the entire Southern Conference, a 16-member geographical entity of the Council of State Governments; and

WHEREAS, also elected to leadership roles were Representatives Bobby C. Crow and Nolan Williams who will serve respectively as vice chairman of the Consumer Protection Committee, and as vice chairman of the Committee on Human Resources and Urban Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Rick Manley of Demopolis.

BE IT FURTHER RESOLVED, That Mr. Manley be presented with a copy of this resolution in token of our friendship, but most particularly in expression of our personal pleasure in his

accomplishment.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-668

H.J.R. 454—Reps. White (L.), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner,

Turnham, Venable,
Waggoner, Warren,
White (F.), Williams,
Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference, a 16-member geographical entity of the Council of State Governments, was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of a conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of SLC with the placement of three of our colleagues in influential office; and

WHEREAS, Representative Bobby C. Crow of Anniston was elected vice chairman of the Consumer Protection Committee, one of SLC's standing committees established to address the most critical issues in state government today; and

WHEREAS, also elected to leadership roles were Representative Rick Manley as conference vice chairman, and Representative Nolan Williams who will serve as vice chairman of the Committee on Human Resources and Urban Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Bobby C. Crow of Anniston.

BE IT FURTHER RESOLVED, That Representative Crow be presented with a copy of this resolution, in token of our friendship, but most particularly in expression of our personal pleasure in his accomplishment.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-669

H. 224—Rep. Owens

AN ACT

To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 41 of Title 27, Alabama Insurance Code, is hereby amended to add a new section 27-41-34A, which shall read as follows:

"27-41-34A. Same—Oil and gas producing properties and facilities.

"(1) An insurer may invest in properties and facilities, and any interest and rights in such properties and facilities, for the development and production of fossil or synthetic fuel or other minerals, whether or not the extraction would deplete the surface of such properties, including, but not limited to, investments relating to:

"(a) The exploration for and development and production of such fuel and minerals and

"(b) Ownership and control of such property, facilities, interest, and rights.

"(2) An insurer shall not have at any one time any single investment or combination of investments permitted under subsection (1) of this section aggregating in cost to the insurer in excess of five percent (5%) of the amount by which the admitted assets of such insurer exceed \$50,000,000 (excluding in the computation of assets investments permitted under subsection (1) above)."

Section 2. This Act shall become effective immediately upon its passage by the legislature and its approval by the governor or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-670

H. 450—Reps. Coleman, Junkins, Newman,
Hall, Wright, Browder,
Lauderdale

AN ACT

To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Be It Enacted by the Legislature:

Section 1. For the purposes of this act the following terms shall have the meanings respectively ascribed to them by this

section:

(1) **ACCOMMODATIONS.** Any hotel or motel room condominium, or cooperative unit, cabin, lodge, apartment or any other private or commercial structure designed for occupancy by one of more individuals or any recreational vehicle campsite or campground.

(2) **BUSINESS ENTITY.** Any individual, corporation, firm, association, joint venture, partnership, trust, estate, business trust, syndicate, fiduciary, and any other group or combination which engages in acts or practices in any trade or commerce.

(3) **CONTRACT.** Any contract, promissory note, credit agreement, negotiable instrument, lease, use agreement, license, security or other muniment conferring on the purchaser the rights, benefits and obligations of a vacation time sharing plan.

(4) **COMMISSION.** The Alabama Real Estate Commission.

(5) **COMMISSIONER.** A member of the Alabama Real Estate Commission.

(6) **FACILITIES.** Any structure, service or property whether improved or unimproved made available to the purchaser for recreational, social, family or personal use.

(7) **SELLER.** Any owner of a vacation time sharing plan or any business entity, including but not limited to an agent, dealer, distributor, franchiser, subsidiary, assignee, reseller, broker or any other representative thereof who, for a fee, commission or other valuable consideration, negotiates or attempts to negotiate the listing, sale, auction, purchase, exchange or lease of any real estate or the improvements thereon or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing activities. Provided however, that the provisions of this act shall not be applicable to:

a. The resale of a single vacation time sharing unit by the owner of such unit, when the seller owns no more than one such unit.

b. Agencies and instrumentalities of the state or federal government nor to employees of any lender or public officials making appraisals for federal, state or local units of government, nor to anyone making appraisals through such employees for lending or governmental purposes.

And provided further that the sales licensure provisions of this act shall not be applicable to the sale of real estate by anyone who owns a fee simple interest of at least ten percent therein, or to the attorney at law of such owner acting within the scope of his duties as an attorney at law. Ownership of stock in a corporation is not ownership of an interest in real estate owned by the corporation and

does not exempt such stockholder from any provision of this act unless the stockholder owns or controls at least ten percent of the stock of the corporation. This provision exempts owners from only the sales license requirements of this act. All other requirements of sellers under this act shall apply to owners of vacation time sharing plans.

(8) **VACATION TIME SHARING OWNERSHIP PLAN.** Any arrangement, plan, or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the time sharing unit, whereby the purchaser receives an undivided fee simple ownership interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year.

(9) **VACATION TIME SHARING LEASE PLAN.** Any arrangement, plan, or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

Such lease plans shall not include an arrangement or agreement whereby a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one state accommodations, of companies which operate in at least nine states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which no interest in real property is transferred.

(10) **VACATION TIME SHARING PLAN.** Either a vacation time sharing ownership plan or a vacation time sharing lease plan as defined herein.

(11) **TIME SHARING UNIT.** The actual accommodations and related facilities which are the subject of the vacation time sharing ownership plan or lease plan.

(12) **SUBSTANTIALLY COMPLETE.** All structural components and mechanical systems of all buildings containing or comprising any time sharing unit, facilities, or accommodations are finished in accordance with the plans of specifications of the project as evidenced by a recorded certificate of completion executed by an independent registered surveyor, architect or engineer.

(13) **UNIT WEEK.** A number of consecutive days, normally seven consecutive days in duration, which may reasonably be as-

signed to purchasers of vacation time sharing plans by the seller.

(14) **RECEIVABLE.** Any note, contract, promise or any other agreement to pay a fixed or determinable amount of money which, for the purposes of this act, shall not be in arrears for more than ninety days.

(15) **FACE VALUE.** The principal amount of money represented by any receivable as defined in item (14), together with the amount of all interest collected thereon.

(16) **ESCROW AGENT.** A bank or trust company doing business in this state or a bonded trust agent bonded in at least the amount of the trust; provided, however, that nothing contained in this act shall operate to prevent investment of funds escrowed pursuant to this act by the bank, trust company or bonded agent and to pay all interest and dividends to the seller of vacation time sharing plans.

(17) **ESCROW ACCOUNT.** Any funds held or maintained by an escrow agent.

(18) **VACATION TIME SHARING SALES LICENSE.** A license issued by the Commission authorizing individuals to act as sellers of vacation time sharing plans.

(19) **LICENSEE.** A person having a Vacation Time Sharing sales license.

(20) **EXCHANGE COMPANY.** Any person owning and/or operating an Exchange Program.

(21) **EXCHANGE PROGRAM.** Any arrangement allowing owners to exchange occupancy rights with persons owning other timeshares; provided, however, that an exchange program shall not exist if all of the occupancy rights which may be exchanged are in the same timeshare property.

(22) **MANAGING AGENT.** Any person engaged by the association to manage the timeshare plan and the timeshare property.

(23) **VACATION TIME SHARING OWNERSHIP PLANS.** Such term shall mean and include:

a. Time sharing ownership plans whereby purchasers are deeded an undivided interest in the facilities with a right to use designated accommodations for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year; and

b. Interval ownership plans, whereby purchasers are deeded title to designated time sharing units, accommodations or facilities for a specific period of time during any given year, but not necessarily

for consecutive years, which extends for a period of more than one year, with remainder after such period to interval plan owners as tenants in common.

(24) QUALIFYING BROKER. A person who is licensed by the Commission as a real estate broker as well as a seller of vacation time sharing plans and who serves in a supervisory capacity to all other licensees acting as sales agents for the vacation time sharing plans which the qualifying broker represents.

Section 2. It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Sell, lease, encumber or convey in any manner or to solicit or advertise such transactions unless the seller has been duly licensed under the provisions of Section 17 hereunder and unless the vacation time sharing plan and the units thereby affected have first been registered with the Commission. Provided, however, that the registration requirements of this act shall not apply to nor restrict the listing and resale of any vacation time sharing plan when:

a. The vacation time sharing plan to be resold is within an existing time sharing facility currently registered with the Commission pursuant to the requirements of this act;

b. The vacation time sharing plan to be resold is subject to the identical rules, regulations, conditions or limitations on the use of the accommodations or facilities which affect all other vacation time sharing plans within that time sharing facility.

(2) Fail to provide, at the time of registration, to the Commission the following materials, or fail to provide any amendments or changes therein made while sales continue:

a. A copy of the contract by which the rights and obligations of the parties are established.

b. Copies of promotional brochures, pamphlets, advertisements or other material disseminated to the public in connection with the sale of the vacation time sharing plan and verbatim scripts of all radio and television advertising in connection therewith.

c. A statement of the type and business entity through which the business of selling vacation time sharing plans is carried out, including a list of the names and addresses of all directors, principal officers, dealers, distributors and sales personnel soliciting in or from the State of Alabama, and the name and address of the business agent for service of process within the State.

d. Copies of all rules, regulations, conditions or limitations on use of the accommodations or facilities available pursuant to the vacation time sharing plan.

e. A statement as to the existence of all liens on the accommodation or facilities which could affect the rights of the purchaser or his assignee, together with the location, date and filing book and page number where such liens are recorded.

f. A synopsis of any sales presentation made by the seller to the purchaser over the telephone or other electronic device.

g. A projected budget of all recurring expenses which may become the responsibility of all time sharing purchasers.

h. Evidence that the time sharing plan owner or his agent shall furnish a surety bond payable to the State of Alabama in the amount of \$100,000, or \$5,000.00 per time sharing unit, whichever is greater, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay up to \$100,000.00 the aggregate sum of all judgments which may be recovered against the vacation time sharing plan owner or seller for any actual loss or damage arising against such vacation time sharing plan owner or seller from the activities of the time sharing plan owner or seller, or other agents or representatives, conducted under this act. Such bond must remain in effect for as long as the time sharing plan shall be registered. In the event such bond is revoked by the surety company, the time sharing owner shall have 10 days in which to obtain a new bond and file such with the Commission. The lack of a bond shall be grounds for the suspension of the registration of the time sharing plan.

Upon receipt of all items required by this Section, the commission shall determine the sufficiency thereof and upon satisfactory compliance with this act, shall issue its order approving their use. The vacation time sharing plan shall then be deemed registered. Promotional or advertising material developed after the initial registration of a time sharing plan may be used without prior approval of the Commission provided that such material is in compliance with this act and further provided that it is submitted to the Commission within ten days after its initial public use.

(3) Fail to include in all advertising of any vacation time sharing plan a statement which clearly states that the seller is offering a time sharing interest.

(4) Fail to include in all advertising of any vacation time sharing plan which offers a time sharing interest of less than fee simple a statement which clearly states that the interest being offered is less than a fee simple ownership interest.

Section 3. It shall be a violation of this act for any owner or business entity offering vacation time sharing plans for sale to the public to fail to keep among its business records the following:

(1) A copy of each item required to be submitted to the commission under Section 2 of this act.

(2) A copy of the contract from each sale of the vacation time sharing plan, which contract shall be retained for a period of at least three years after parties to the vacation time sharing plan have completely performed all of their obligations thereunder.

(3) A list of all employees directly involved in the development, sale, or advertising of the vacation time sharing plan or plans, including their last known mailing addresses, which list shall include all current employees and all previous employees whose employment has been terminated within the preceding thirty-six months.

Section 4. It shall be a violation of this act for the seller of a vacation time sharing plan to fail to utilize and furnish the buyer with a fully completed copy of a contract pertaining to such sale at the time of its execution which shall include:

(1) The actual date the contract is signed by all parties.

(2) The name and address of the seller.

(3) In immediate proximity to the space reserved in the contract for the signature of the buyer and in no smaller type than contained in the body of the contract:

a. In the case of a vacation time sharing lease plan, the following statement:

"You may cancel this contract without penalty or obligation within five days, not including Sunday if that is the fifth day, from the above date. You may also cancel this contract at any time in case the accommodations or facilities are no longer available as provided in the contract. If you decide to cancel, you must notify the seller in writing of your intent to cancel by sending notice to (name of seller) by certified mail, return receipt request at (seller's address)."

b. In the case of a vacation time sharing ownership plan, the following statement:

"You may cancel this contract without penalty or obligation within five days, not including Sunday if that is the fifth day, from the above date, by notifying the seller in writing of your intent to cancel, sending his notice thereof by certified mail, return receipt requested."

c. It shall be a violation of this act for the seller of a vacation time sharing ownership plan to fail to furnish the buyer with an inventory of all furniture, fixtures and appliances which will be located in the accommodation during the time period purchased

under a vacation time sharing ownership plan or at closing.

Section 5. It shall be a violation of this act for the seller of vacation time sharing plans, or his assignees, to fail or refuse to honor a buyer's request to cancel a contract as provided by Section 4 of this act if such request is made; provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct within a reasonable time the accommodations or facilities if destroyed or damaged; provided that such repair, replacement or reconstruction shall bring such accommodations or facilities back to a state reasonably the same as before the damage or destruction.

Section 6. It shall be a violation of this act for a seller of vacation time sharing plans to:

(1) Fail to refund any and all payments made by the buyer under the contract and return any negotiable instrument, other than checks, executed by the buyer in connection with the contract or services within twenty days after receipt of notice of cancellation made pursuant to Section 4 of this act, if the buyer has not received any benefits pursuant to the contract.

(2) If the buyer has received any benefits pursuant to the contract, fail to refund within thirty days after receipt of notification of cancellation made pursuant to Section 4 or Section 5 of this act any and all payments made by the buyer to the seller which exceed a pro rata portion of the total price, taking into consideration the cost of use of the time share facilities at an average rental rate per unit for all time share units, representing the proportion of any contract benefits actually received by the buyer during the time preceding cancellation.

(3) Fail to place in an escrow account one hundred percent of the funds received from the purchasers of such plans, where the seller of the time sharing plan transfers an interest herein to the purchaser, which escrow account shall provide that:

a. Its purpose is to protect the buyer's right to refund during the seven day right to cancellation period provided in Section 4 or Section 5 of this act, and

b. Funds may be withdrawn by the seller upon transfer to the buyer after expiration of the respective cancellation period provided in such Sections 4 or 5.

Section 7. It shall be a violation of this act for any seller of vacation time sharing plans, or his assignees, to misrepresent in any manner the buyer's right to cancel provided by this act.

Section 8. (a) It shall be a violation of this act for any seller

of vacation time sharing plans to sell, lease, assign or otherwise transfer the seller's interest in the vacation time sharing plan or the accommodations or facilities to a third party when such a sale, lease, assignment or other transfer substantially affects the rights of other owners of the time share units, unless:

(1) The third party agrees in writing to fully honor the rights of purchasers of the vacation time sharing plan to occupy and use the accommodations or facilities, and

(2) The third party agrees in writing to fully honor rights of purchasers of the vacation time sharing plan to cancel their contracts and receive an appropriate refund as provided in this act, and

(3) The third party agrees in writing to comply with the provisions of this act for as long as the third party continues to sell the vacation time sharing plan, or for as long as purchasers of the vacation time sharing plan are entitled to occupy the accommodations or use the facilities, whichever is longer in time, and

(4) Written notice is given to each purchaser of a vacation time sharing plan affected thereby, and notice shall be sent by certified mail within thirty days of the sale, lease, assignment or other transfer.

(b) The provisions of this section shall not be construed to apply to the sale of a single unit or to prevent the seller's right to sell, discount, or hypothecate for value receivables in favor of any bank, mortgage company, or other lending institution and such transactions shall be exempt from the requirements of the Section.

Section 9. (a) It shall be a violation of this act for a seller of vacation time sharing lease plans to fail to:

(1) Place in escrow fifty percent of the cash or receivables received from the purchasers of such plans less applicable local, state and federal taxes, provided, that in the event receivables are placed in escrow such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this subdivision.

a. The purpose of such escrow account is to protect the purchaser's right to a refund if at any time the accommodations and facilities are no longer available as provided in the contract; "Provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct, within a reasonable time, the accommodations or facilities, if destroyed or damaged."

b. The purchaser shall be entitled to a refund from the escrow account upon the conditions described above in an amount which

represents the buyer's pro rata share of the monies therein.

c. Funds may be withdrawn by seller from the escrow account in the ratio of the amount of time available for use by the purchaser of the vacation time sharing lease plan in relation to the total time available in the plan.

d. The escrow agent shall release or dispense funds from the escrow account to the seller of a vacation time sharing lease plan only upon receipt of a sworn statement from the seller that the accommodations and facilities have been available for use by the purchaser according to the term of the purchaser's contract.

e. When all outstanding liens, debts or encumbrances on the time sharing accommodations and facilities have been fully discharged the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1), a seller of vacation time sharing lease plans may:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities or accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all liens or encumbrances as aforesaid, the escrow agent shall so notify the seller in writing, and the seller shall within 15 days after notice pay unto the escrow agent the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of subsection (a) of this section.

When any portion of the time sharing accommodations and facilities have been fully released from all liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

(3) Provide the purchaser with liability and property insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of

all insurance premiums, taxes, and assessments levied against the accommodations and facilities; or, in the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance repairs and management fees.

(4) Provide the purchaser with an instrument, in recordable form, which provides notice to all subsequent creditors of the seller of the existence of the vacation time sharing plan rights of the purchaser. Such instrument shall be provided to the purchaser by the seller at the time of signing of the contract. When recorded, such instrument shall serve to protect the purchaser's interest in the seller's accommodations from any claims by subsequent creditors of the seller.

(5) Provide a document which explains the content, purpose and protection afforded to the purchaser by the documents described in subdivision (4) along with the procedure necessary to follow in order to secure to the purchaser the rights and protections which such documents provide.

(b) It shall be a violation of this act for a seller of vacation time sharing ownership plans to fail to:

(1) Deposit with an escrow agent no less than fifty percent of the cash or receivables received from the purchasers of such plans, less applicable local, state and federal taxes; provided, that in the event receivables are placed in escrow, such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this item.

a. The purpose of the escrow account required hereunder is to protect the purchaser's ownership interest in the accommodations or facilities and to provide funds from which periodic payments can be made to retire any outstanding indebtedness on the time sharing facilities or accommodations.

b. The escrow agent shall release or dispense to the seller of the vacation time sharing ownership plan funds from the escrow account, at least quarterly but not more frequently than monthly, in an amount which shall not exceed one hundred percent of the sum of all accrued indebtedness secured by the time sharing accommodations or facilities.

c. Prior to the release or dispensing of such escrow funds, the seller shall furnish the escrow agent with a sworn statement which reveals by category the total amount of all liens or indebtedness secured by the time sharing accommodations or facilities, the amount of indebtedness anticipated during the next succeeding reporting pe-

riod and the amount of any deficit or surplus accruing from the preceding reporting period.

d. When all outstanding liens or encumbrances secured by the time sharing facilities or accommodations have been fully discharged, the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1) of this subsection (b), a seller of vacation time sharing ownership plans may alternatively:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities and accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all recurring debts as aforesaid, the escrow agent shall so notify the seller in writing and the seller shall within fifteen days after notice pay into the escrow account the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of this subsection (b).

c. When any portion of the time sharing accommodations and facilities have been fully released from all debts, liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

3. Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes and assessments levied against the accommodations and facilities. In the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance, repairs and management fees.

Section 10. It shall be a violation of this act for any seller of vacation time sharing plans to fail to fully disclose in the contract in boldface type of a size no smaller than any other type used in the

body of the contract to purchaser:

(1) The total financial obligations of the purchaser, which shall include the initial purchase price and any additional charges to which the purchaser may be subject.

(2) Any individual or business entity which has or may have the right to alter, amend or add to charges to which the purchaser may be subject and the terms and conditions under which such charges may be imposed.

(3) The nature and duration of each agreement between the business offering, the vacation time sharing plans for sale and the individual or business entity managing the accommodations or other facilities.

(4) In immediate proximity to the space reserved in the contract for the signature of the buyer and in boldface type of the same size as required by subdivision (3) of Section 4 of this act a statement as follows:

“No purchaser should rely upon representations other than those included in the contract.”

However, inclusion of this statement shall not impair the purchaser's right to bring any legal action based upon any cause of action arising from oral statements.

(5) The date of availability of each amenity of the offered accommodations and facilities when they are not completed at the time of sale of such plan.

(6) The specific term of the contract.

Section 11. It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Use any promotional device, including but not limited to sweepstakes, lodging certificates, gift awards, premiums, or discounts, without fully disclosing that such promotional devices are being used for the purpose of soliciting the sale of vacation time sharing plans and without fully disclosing the retail value of each such device and the approximate odds of winning each award or prize offered.

(2) Use any promotional device as set forth above to obtain the names and addresses of prospective purchasers without fully and prominently disclosing that names and addresses so acquired will be used for the purpose of soliciting the sale of the vacation time sharing plans.

(3) Misrepresent the amount of time or period of time the accommodations and facilities will be available to any purchaser.

(4) Misrepresent or deceptively represent the location of the offered accommodations and facilities.

(5) Misrepresent the size, nature, extent, qualities or characteristics of the offered accommodations and facilities.

(6) Misrepresent the nature or extent of any services incident to the accommodations and facilities.

(7) Make any misleading or deceptive representations with respect to the contents of the contract or the buyer's rights, privileges or benefits thereunder.

(8) Fail to honor and comply with all provisions of the contract with the purchaser.

(9) Misrepresent the conditions under which a customer may exchange his rights to an accommodation in one location for rights to an accommodation in another location.

(10) Include in any contract any provision purporting to waive any right or benefit provided for purchasers under this act, or to seek or solicit such a waiver during the effective period of these rules.

(11) Do any other act which constitutes fraud, misrepresentation or failure to make a disclosure of a material fact.

(12) Perform any sale for which a vacation time sharing license is required unless the seller is either exempted from the license requirement, a duly authorized and licensed qualifying broker, or a duly licensed seller acting under the sponsorship and supervision of a qualifying broker.

Section 12. The Commission may upon its own motion, or upon the verified complaint in writing of any person, hold a hearing regarding an alleged violation by any person or business entity of this act. Any person found guilty of having violated this act shall be subject to the refusal of a license, if not licensed; or, if licensed, to the suspension or revocation of such license and/or a monetary penalty of not less than \$25.00 nor more than \$500.00.

Such hearing shall be held in a manner prescribed by the Alabama Administrative Procedure Act, the Alabama Real Estate License Law, and the Rules and Regulations of the Alabama Real Estate Commission. The reinstatement of a license suspended or revoked as a result of a violation of this act may be made conditional upon the fulfillment of such reasonable conditions as are imposed by the Commission.

The penalties and procedures outlined in this section shall not be construed to supersede or conflict with penalties and procedures

outlined in other sections of this act.

For the purpose of this act, a willful violation occurs when the person committing the violation knew or should have known that his conduct was in violation of this act.

Provided, that a deficiency in an escrow required by this act, which results solely from the cancellation or worthlessness of receivables previously placed in escrow, shall not be considered a violation of this act. In the event of an escrow deficiency, a lender who has advanced funds to a project shall have no liability to contribute funds to the escrow to cure the deficiency, and the lender's lien on the property shall not be affected by the deficiency.

Section 13. The Alabama Real Estate Commission shall be responsible for the enforcement and implementation of this act, and the Attorney General of the State of Alabama, or the District Attorney of any county of the State of Alabama upon request by the Commission, shall assist the Commission in the enforcement of this act and the prosecution of violations hereunder. The Commission shall promulgate rules for the implementation of this act and such rules shall be consonant with the Alabama Administrative Procedure Act. The provisions of this act shall not be construed to limit in any manner the right of a purchaser or lessee or other party to bring a private action to enforce the provisions of this act.

Section 14. If a seller files with the Commission any vacation time sharing plan or any amendment thereto which describes or concerns time sharing units, accommodations or facilities not substantially completed, the seller, upon request of the Commission, shall file with the Commission the following:

(1) A verified statement showing all costs involved in completing the property.

(2) A verified statement of the time of completion of construction of the property.

(3) Satisfactory evidence of sufficient funds to cover all costs to complete the property.

(4) A copy of the executed construction contract and any other contracts for the completion of the property.

(5) A one hundred percent payment performance bond from a surety company authorized to do business in Alabama, covering the entire cost of construction of the property.

(6) If purchasers' funds are to be used for the construction of the property, an executed copy of the escrow agreement with an escrow company or financial institution authorized to do business with the State, which provides that:

a. Disbursements of purchasers' funds may be made from time to time to pay for construction of the property; architectural, engineering, finance, and legal fees; and other costs for the completion of the property in proportion to the value of the work completed by the contractor as certified by a registered surveyor, architect, or engineer on bills submitted and approved by the lender of construction funds or the escrow agent.

b. Disbursements of the balance of purchasers' funds remaining after completion of the property may be made only after either the escrow agent or lender receives satisfactory evidence that the period for filing mechanics' and materialmen's liens has expired, or the right to claim those liens has been waived or other adequate provision has been made for satisfaction of any claimed mechanics' or materialmen's lien; and

c. Any other restrictions relative to the retention and disbursement of purchasers' funds required under the rules of the Commission have been met; and

d. Any other materials or information required under the rules of the the Commission have been provided.

(7) The Commission shall not register or issue any order approving any vacation time sharing plan unless the Commission determines, on the basis of materials submitted by the developer, that the time sharing units, accommodations, or facilities or any additions thereto will be completed.

Section 15. (a) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located within the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with an annual renewal fee of two hundred dollars.

(b) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located outside the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with an annual renewal fee of two hundred dollars. All books, files, accounts and other documents pertaining to the advertisement and sale of vacation time sharing plans located outside the State shall be subject to examination by the Commission and the business entity whose documentation is being examined shall pay a fee of five hundred dollars plus the actual expenses, including the cost of transportation, of the examiner representing the Commission while he is absent from his office for purposes of conducting the examination.

(c) The Commission shall retain such fees and other funds which may come into its possession to defray expenses in the admin-

istration and enforcement of this act.

(d) If the Commission determines that the registration or operation of any vacation time sharing plan violates the provisions of this act in such manner as indicates bad faith or dishonesty, the Commission, after notice and hearing, may assess all reasonable cost of investigation and prosecution of such violations.

Section 16. The proceeds from the sale or resale of any vacation time sharing lease plan shall be exempt from the transient occupancy tax imposed by Section 40-26-1 of the Code of Alabama 1975.

Section 17. (a) Any person desiring to act as a seller of vacation time sharing plans shall file with the Commission a written application upon such form as the Commission shall designate and shall pass to the satisfaction of the Commission the examination hereinafter prescribed.

(b) Prerequisites for taking the vacation time sharing sales examination are as follows:

(1) Evidence satisfactory to the Commission that the applicant bears a good reputation for honesty and truthfulness.

(2) The applicant must not have been convicted of any criminal offense involving moral turpitude or of any felony.

(3) The applicant must be a permanent resident of Alabama and at least nineteen years of age.

(4) The applicant must be a citizen of the United States or shall possess a certification of lawful permanent resident issued by the immigration and naturalization bureau of the United States government.

(c) The Commission shall prepare and conduct an examination on the fundamentals of this act and related topics and shall schedule such examination at least quarterly. No applicant shall be entitled to examination unless all prerequisites enumerated above have been met as determined by the Commission. The minimum passing grade shall be seventy percent.

(d) Every applicant shall pay the sum of seventy-five dollars for each examination taken. Every applicant shall also pay a license fee of fifty dollars upon successful completion of the examination. The Commission shall be entitled to retain all fees collected to defray its expenses. No fees collected hereunder shall be in lieu of any business license fees or taxes imposed by any city, county or municipal authority. The Commission shall be entitled to contract with any outside source to prepare and conduct vacation time sharing sales examination in its behalf and to pay for the reasonable cost thereof

from the examination fees collected.

(e) Vacation time sharing sales licenses shall be renewed annually on or before September thirtieth. Upon submission of a renewal request in such form as the Commission shall prescribe and payment of a fifty dollar renewal fee. Failure to timely renew shall result in cancellation of the license.

(f) Any vacation time sharing sales licensee shall be either a qualifying broker for a vacation time sharing plan or shall be licensed under such a qualifying broker, and the qualifying broker must be in a supervisory capacity to each time sharing sales licensee licensed under him.

(g) The qualifying broker for a vacation time sharing plan must meet all the general requirements for a time sharing sales license and must have a current, active real estate broker's license issued under the Alabama Real Estate License Law as well as a time sharing sales license.

(h) The qualifying broker for a vacation time sharing plan shall sign a statement accepting the responsibility for the actions of any licensee licensed under him and for the sales actions of the vacation time sharing plan for whom he is the qualifying broker. Each qualifying broker shall have the duty and responsibility of insuring that every seller licensed under him, as well as the vacation time sharing plan for which he is the qualifying broker, comply with the provisions of this chapter, and the broker shall be responsible to any injured party for actual damages caused to each party by any violation of this chapter by any vacation time sharing plan or seller for whom he is acting as qualifying broker.

(i) There shall be a license transfer fee of \$50.00 for any of the following: a change of qualifying broker; a change of name or address of the vacation time sharing plan; a change of name of a licensee; a change of employment by a licensee; or the activation of an inactive license.

(j) In each case where a vacation time sharing plan shall have more than one site, it must be demonstrated that the qualifying broker for the plan will be able to provide supervision over all other licensees. In the event that adequate supervision cannot be provided by a single qualifying broker, then there shall be such additional qualifying broker(s) assigned as to provide such supervision. Such additional qualifying brokers will each be designated as a broker for a particular site or sites and shall sign statements accepting responsibility for the actions of all licensees assigned to the respective site or sites, as well as responsibility for the acts or omissions of the vacation time sharing plan with respect to the site for which he is the

qualifying broker.

(k) No applicant to be a seller of vacation time sharing plans shall be issued a license by the Commission unless the applicant is either designated as a qualifying broker by a representative of a vacation time sharing plan authorized to make such a designation, or sponsored by a qualifying broker who has signed a written statement accepting sponsorship of the applicant.

(l) No vacation times sharing licensee shall perform any of the acts authorized by such license until the license certificate is in his actual possession, if the licensee is a qualifying broker, or in the possession of his sponsoring broker, if the licensee is not a qualifying broker.

(m) A licensee may place his license on inactive status with the Commission for a period of up to twenty-four consecutive months and may renew his license while it is on inactive status. It shall be the duty of the licensee to inform the Commission of any change in his mailing address. No license which is on inactive status will be reactivated without the Commission receiving evidence that the licensee's surety bond is in effect.

Section 18. (a) Every vacation time sharing plan for sale or offered for sale in this State shall be registered with the Alabama Real Estate Commission as follows:

(1) Upon receipt of an application for registration in the required form, the Commission shall forthwith initiate an examination to determine that:

(a) The seller may convey or cause to be conveyed the vacation time sharing plan offered for sale if the purchaser complies with the terms of the offer.

(b) The advertising material and general promotional plan are not false or misleading as determined by the Commission.

(c) The requirements of this act and the rules of the Commission have been fulfilled.

(d) The seller has not, or, if a corporation, its officers, directors, and principals have not been convicted of any crime involving land dispositions, any crime of moral turpitude, any securities law violation, fraudulent business activity, or any aspect of the vacation time sharing business in this State, the United States, or any other state or foreign country within the ten years immediately preceding the date of application, and has not been subject to any injunction or administrative order within the preceding ten years restraining a false or misleading promotional plan involving any of the activities above.

(2) Upon receipt of the application for registration in required form, the Commission shall issue a notice of filing to the applicant. If within thirty days from the date of the notice of filing, the Commission affirmatively determines upon inquiry and examination that the requirements of this act have been met, the commission shall enter an order registering the vacation time sharing plan or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing, the vacation time sharing plan shall be deemed registered unless the applicant has consented in writing to a delay. No reasonable request for an extension of time by the Commission shall be withheld; provided that if the Commission determines upon inquiry and examination that any of the requirements of this act have not been met, the commission shall notify the applicant that the application for registration must be corrected in the particulars specified within fifteen days. If the requirements are not met within the time allowed, the Commission shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

Section 19. (a) If it appears that a person, firm, corporation, or any business entity has engaged, or, is about to engage in an act or practice constituting a violation of a provision of this act or rule or order thereunder, the Commission, through the Attorney General, may institute legal actions in accordance with Alabama law to enjoin the acts and practices and to enforce compliance with this act or any rule or order hereunder. The Commission shall contact, whenever practicable, any person or business violating this act prior to recourse to the Circuit Court. Upon proper showing injunctive relief or temporary restraining orders may be granted, and a receiver or conservator may be appointed.

(b) The Commission may:

(1) Make any public or private investigation which it deems necessary, either within or outside of this State, to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the Commission may determine, as to all facts and circumstances concerning the matter to be investigated.

(3) For the purpose of any investigation or proceeding hereunder, the Commission or any officer designated by rule may administer oaths or affirmations, and upon its own motion or upon request

of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence.

(4) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected hereby, the Commission, through the Attorney General may apply to the Circuit Court for an order compelling compliance.

(5) Issue an order requiring the seller to cease and desist from any unlawful practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this act, if, after notice and hearing, the Commission determines that a seller has violated any provisions of this act by:

a. Directly or through any agent of employees knowingly engaging in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in any vacation time sharing plan; or

b. Making any substantial change in the plan of development and sale of the vacation time sharing plan subsequent to the order of registration without obtaining the prior written approval of the Commission, or

c. Violating any lawful order or rule of the Commission.

(6) Make findings of fact in writing that the public interests will be irreparably harmed by delay in issuing an order and in such case may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Commission, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a cease and desist order to the seller. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

(7) Revoke any registration of a vacation time sharing plan if, after notice and hearing upon a written finding of fact, it determines that the seller has:

a. Failed to comply with the terms of a cease and desist order;
or

b. Been convicted in any court of competent jurisdiction subsequent to filing of the application for registration, of a crime involv-

ing fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing, or

c. Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of vacation time sharing plan purchasers, or

d. Failed to faithfully perform any stipulation or agreement made with the Commission as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or advertisement; or

e. Made intentional misrepresentations or concealed material facts in an application for registration. Findings of fact that a specific provision of law has been violated shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(8) Issue a cease and desist order instead of revoking a registration if it finds, after notice and hearing, that the seller has been guilty of a violation for which revocation could be ordered.

Section 20. (a) Every applicant for a license under this act, either original or renewal, shall furnish a surety bond payable to the State of Alabama in the amount of \$5,000.00 if a time sharing salesman or \$10,000.00 if a broker, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay up to \$5,000.00 or \$10,000.00, respectively, the aggregate sum of all judgments which may be recovered against such licensee for actual loss or damage arising from his activities conducted under this act. Said bond shall be filed with the Alabama Real Estate Commission prior to the issuance of such license. A new bond or a renewal or continuation of the original bond shall be required for each licensing period. If a continuous bond is filed with the Commission prior to the issuance of such license, no such renewal bond must be filed as long as the continuous bond remains in force and effect. In the event the continuous bond is revoked by the surety company, it shall immediately notify the Commission and the licensee shall have 20 days in which to file another bond with the Alabama Real Estate Commission or his license shall be suspended until such new bond is filed.

(b) If at any time a final judgment is rendered against a licensee under this act and the final judgment shall result from or involved any activity covered by this act, the license of the licensee shall be automatically suspended. A judgment shall be considered final when no further relief is available from said judgment in the appellate courts of Alabama. In case of such suspension of license, the Commission shall give notice to the licensee that his license is suspended,

and said licensee shall deliver this license to the Commission for disposition. Upon request by the suspended licensee, the Commission will set a date designating a time and place thereon for a hearing on the question of whether the license under suspension should be revoked, whether the suspension should be continued for a designated period or whether the suspension should be continued until terminated by the Commission upon the fulfillment of reasonable conditions imposed by the Commission. The hearing shall be conducted in accordance with Section 34-27-37 of the Code of Alabama 1975 and such appropriate rules and regulations as may be adopted from time to time by the Alabama Real Estate Commission. No licensee under this act whose license hereunder has been revoked may apply for another license hereunder until at least two years after the date of such revocation; and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this act; and, furthermore, shall not be relicensed without approval of such relicensing by a majority of the members of the Alabama Real Estate Commission.

(c) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of any civil or criminal action filed or initiated against such licensee within ten days of the receipt of notice by the licensee of the pending civil or criminal action when the civil or criminal action involves a transaction under this act, or involves the indebtedness of the licensee concerning expenses incurred in the development or continuation of a time sharing plan, or involves an alleged act of fraud, theft, misrepresentation, embezzlement, or extortion, or involves an alleged felony. The notification shall be in writing and shall include a copy of any civil complaint or other document alleging a complaint or criminal offense; or, if the licensee is not in possession of such legal documents, the notification shall include a notarized statement by the licensee of the substance of the civil or criminal action.

(d) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of the outcome of any civil or criminal action of the type described in subsection (c) of this section within 10 days of the notice to the licensee of such outcome. This notification shall be in writing and shall include a copy of any judgment, order or other pertinent document issued by the court having jurisdiction of the matter; or, if licensee is not in possession of such legal documents, the notification shall include a notarized statement by the licensee of the nature of the verdict, settlement, dismissal, or other outcome of the subject civil or criminal action.

Section 22. The requirements of this act regarding the establishment and maintenance of escrow accounts shall become effective on October 1, 1984. All other requirements under this act shall be-

come effective October 1, 1983. The Commission shall have until November 30, 1983, to develop and administer its first timesharing license examination.

Until such time as the Commission delivers to sellers of vacation time sharing plan the first issue of the vacation time sharing license, the license requirements of the Alabama Real Estate License Law shall apply to sellers of time sharing plans.

Section 23. All laws or parts of laws which conflict with this act are hereby repealed.

Section 24. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-671

H. 530—Reps. Layton, Horn, Davis,
Trammell, Rogers,
Howard, Scott, Boles,
Moore, Waggoner

AN ACT

To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the occurrence of a vacancy in the office of chief deputy sheriff of Jefferson County, such office shall cease to be in the classified service of the county pursuant to the county civil service or merit system law. Thereafter the chief deputy sheriff of Jefferson County shall be an employee of the county in the unclassified service. Such chief deputy shall be appointed by the sheriff without regard to the county civil service or merit system law, and he shall serve at the pleasure of the sheriff.

Section 2. The compensation of the chief deputy sheriff shall be a salary, payable out of the county treasury, in the same manner and at the same time as the salaries of other employees of such

county are paid. The chief deputy shall receive salary compensation in an amount equal to the that set by the Personnel Board of Jefferson County, Alabama, for a position three (3) pay grades higher than the highest paid captain in the Jefferson County Sheriff's Department. Any amount in excess of three pay grades shall be fixed by the sheriff subject to the approval of the county commission. The chief deputy shall be entitled to receive all the same benefits as other employees in the classified service of the county.

Section 3. The sheriff of Jefferson County shall not fill the position of chief deputy in the manner herein authorized until the next vacancy in such office occurs.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 5:20 P.M.

Act No. 83-672

H.J.R. 430—Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND W. LAURENS HUDSON
OF MONTGOMERY, ALABAMA.

WHEREAS, the Reverend W. Laurens Hudson, a resident of Montgomery, Alabama, since 1976, currently serves as Pastor of Highland Evangelical Church; and

WHEREAS, a native of Chattanooga, Tennessee, the Reverend Hudson was educated at Asbury Theological Seminary in Wilmore, Kentucky; and

WHEREAS, the Reverend Hudson now serves, in addition to his pastoral duties, as District Supervisor of the Evangelical Methodist Church having been so elected on June 22, 1983, during the denomination's most recent convention in Natchez, Mississippi; and

WHEREAS, Mr. Hudson's wife, Patricia, is a teacher with the Montgomery County School System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend W. Laurens Hudson of Montgomery, Alabama, upon his election as District Supervisor of the Evangelical Methodist Church, and direct that he receive a copy of this resolution in token of our sincere regard.

Approved July 26, 1983

Time 5:20 P.M.

Act No. 83-673

S. 93—Senators Mitchell, Harrison, Aldridge, Dixon, Barron, Bailey, Menton, Bedford, Denton, Robertson and Teague

AN ACT

Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-26-5 and 36-26-27, Code of Alabama 1975, are hereby amended to read as follows:

“Section 36-26-5. (a) The State Personnel Board shall consist of five persons, as follows:

Two persons appointed by the Governor, one of them whose term shall expire on February 1, 1985, and one of them whose term shall expire on February 1, 1986, one person appointed by the Speaker of the Alabama House of Representatives, whose term shall expire February 1, 1987, one person appointed by the Lieutenant Governor of the State of Alabama, whose term shall expire February 1, 1988, and one person who shall be a classified employee elected as hereinafter provided, whose term shall expire February 1, 1989. (b). The terms of the present members of the State Personnel Board shall end on the last day of August, 1983. The new members of the Personnel Board shall begin their terms on September 1, 1983. If any vacancy occurs on the Board, or at the expiration of the original terms therein above established, such vacancies shall be filled by the original appointing authority, for said position. After the expiration of these original terms herein above outlined, all subsequent terms shall be for six years, except for appointments to fill unexpired

terms, which shall expire on the same date their predecessor's term expired. Each member shall be required to take the Constitutional oath of office before entering upon their duties. The Board shall designate one of its members as chairman. These members of the Board shall constitute a quorum for the transaction of business. Each member shall be a person over nineteen years of age, of recognized character and ability, shall have been a bona fide resident and qualified voter of this State for not less than five years and shall not, when appointed nor for three years then last passed before the date of his appointment, have held elected public or party office nor have been a candidate for such office. No two appointed members of said personnel Board shall be appointed from any one Congressional District of the State. A member of the Board may be removed from office for the same causes and by the same procedures as provided by the Constitution and Statutes of Alabama for impeachment of sheriffs. Each member of the Board shall receive a per diem of \$50.00 and expenses for attendance upon meeting of the Board. No member shall receive total compensation in excess of \$1,200.00 per annum, excluding expenses and excluding compensation received for attendance upon trial of charges preferred against employees as provided in this article."

"(b) One member shall be elected by a majority vote of the full-time state employees. For his or her original term, they shall serve until February 1, 1989, and thereafter elected members shall serve six-year terms. Two months prior to the expiration of the seat for the member of the classified service, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period, one month prior to the election. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months. At the expiration of terms of office of the original member elected under this subsection, and every six years thereafter, his successor shall be elected in the same manner as provided by this subsection. If a vacancy occurs in the office of a member elected under the provisions of this subsection, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled."

"Section 36-26-27. (a) An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby, for reasons which shall be stated in writing,

served on the affected employee and a copy furnished to the director, which action shall become a public record. The dismissed employee may, within 10 days after notice, appeal from the action of the appointing authority by filing with the board and the appointing authority a written answer to the charges. The board shall if demand is made in writing by the dismissed employee within 10 days after notice of discharge, order a public hearing and, if the charges are proved unwarranted, order the reinstatement of the employee under such conditions as the board may determine. Upon a majority vote of the board, the board may impose a punishment other than termination including but not limited to a reinstatement with forfeiture of back wages and benefits between the date of termination and the date of the board's order reinstating the employee, or a suspension up to and including 30 days.

“(b) In addition to removal by an appointing authority, persons in the classified service may be removed or disciplined in the manner described in this subsection. Charges may be filed by any officer, citizen or taxpayer of the state with the director who shall, within five days, cause a copy to be served upon the person complained against and shall set a day not less than 10 or more than 20 days after such charges have been served on such employee for a public hearing of such charges. This hearing may be before the director, a special agent appointed for the purpose by the director or the board itself. If before the director of a special agent, the director or special agent shall take testimony offered in support and denial of such charges and from the same submit to the board, within five days, a finding of facts and law involved and a recommended decision. The Board at its next regular or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the board hears said charges directly or requires the transcribing and submission of the testimony taken before the director or special agent, it shall make up and file its own findings and decision. The decision of the board based upon its records and the testimony shall be final.

“(c) In proceedings under this section it shall be no defense or excuse for a forbidden act or for an omission to observe the laws or rules that such act or omission was directed by a superior, unless a written direction or order from such superior to that effect is proved. If any employee in the state service shall willfully refuse or fail to appear before any court or judge, any legislative committee or any officer, board or body authorized to conduct any hearing or inquiry or, having appeared, shall refuse to testify or answer any question relating to the affairs or government of the state or conduct of any state officer or employee on the ground that his testimony or

answers would tend to incriminate him or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, such conduct shall be cause for removal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise become a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-674

S. 369—Senators Amari, Hilliard, Bishop, deGraffenried, Harrison, Corbett, Dixon, Smith (J), Denton, Cabaniss, Aldridge, Holmes, Goodwin, Parsons, Cooley, Bedsole, Figures, Pearson, Bachus, Bailey, Robertson, Covington, Foshee, Menton, Little, and Boyington

AN ACT

To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; to provide for the reimbursement of the actual and necessary expenses of the members of the committee; and to appropriate necessary funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established an organization which shall be known as the "Alabama Senior Citizens Hall of Fame." The purpose of such organization shall be to bestow honor and recognition upon a deserving citizen or citizens for their outstanding accomplishments, service and contributions to the lives of older American citizens.

Section 2. The Alabama Senior Citizens Hall of Fame shall be composed of not more than 100 living members, and no more than 10 of such members shall be elected to membership in any calendar year. Each person elected for membership shall be a citizen of Alabama who shall be chosen for accomplishment or service greatly benefiting the lives of older American citizens. No more than twenty-five percent of the elected members at any time shall be from the political field.

Section 3. (a) The initial 10 members of the said Hall of Fame shall be elected by a committee appointed for such purpose by the governor. Such committee shall be composed of one persons from each congressional district of the state and three members appointed at-large from the state. Upon the election of the first ten members to the Alabama Senior Citizens Hall of Fame to committee shall stand discharged from any further duties and obligations and shall be dissolved.

(b) Thereafter, new members, not to exceed 10 in any calendar years, shall be elected by the existing members of the Senior Citizens Hall of Fame. A majority vote of the existing members shall be necessary for the election of each new member, and new members shall be chosen in order of the highest number of votes received.

(c) Nominations for new members shall be made by the existing members and in writing by citizens of the state.

Section 4. The members of the said Hall of Fame shall elect among themselves a chairman and shall fix his term of office. The chairman shall preside over meetings, direct the business of the academy and perform such other duties as may be prescribed or delegated to him by the said organization. The members shall appoint one of their number as secretary, who shall keep minutes of each meeting. The Commission on Aging shall provide such clerical assistance as may be needed by the Senior Citizens Hall of Fame.

Section 5. The said organization shall meet at least once annually to award new memberships and shall hold such other meetings as necessary to carry out its purpose. The time and place of meetings shall be designated by the members. A majority of the members shall constitute a quorum for conducting business. The said Hall of Fame may make rules and regulations necessary to carry out its purposes and functions as prescribed in this act.

Section 6. The members of the Alabama Senior Citizens Hall of Fame shall be reimbursed for actual and necessary expenses upon approval of the chairman out of any funds appropriated to said Alabama Senior Citizens Hall of Fame and processed in the manner provided by law.

Section 7. There is hereby appropriated from the State General Fund the sum of \$25,000 to the Senior Citizens Hall of Fame for the fiscal year ending September 30, 1984 to implement the provisions of this act.

Section 8. The provisions of this act are severable. if any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-675

S. 480—Senator Bedsole

AN ACT

Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, twenty (20) percent of all teacher units in each school system in the county now allocated for the instruction of Exceptional Children shall be used for the purpose of instruction of intellectually gifted children.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-676

S. 506—Senator Figures

AN ACT

To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable only to the City of Prichard, in Mobile County, Alabama.

Section 2. The Legislature of Alabama hereby finds and declares that the health, safety and welfare of the people of the City of Prichard, in Mobile County, Alabama, are enhanced by the continual encouragement, development, growth and expansion of private enterprise within this state. That there are certain economically depressed areas in such city that need particular attention to create new jobs, stimulate economic activity and attract private sector investment rather than government subsidy to improve the quality of life of their citizens. It is the purpose of this Act to encourage new economic activity in this depressed area by means of reduced taxes and the removal of unnecessary governmental barriers to the production and earning of wages and profits and the creation of economic growth.

Section 3. In order to further the purposes of this Act, the municipal governing body is hereby authorized to create by ordinance one or more specific areas as Enterprise Zones which the governing body finds are areas of pervasive poverty, unemployment, and general economic distress, and, in order to encourage private investment, to promote the creation of jobs within such zones, such city is hereby authorized within such zones to initiate and carry out special programs which include, but are not limited to, the following:

(a) A reduction of municipal tax rates, municipal license rates and/or municipal fees for governmental services within such zones.

(b) An increase in the level or efficiency of public services within the zone including provision for the providing of such services by nongovernment entities.

(c) Reduction, removal, simplification, or other modification of regulatory requirements applying within such zones.

(d) Involvement of private entities, organizations, neighborhood associations, and community groups with such zones, including the provision by such entities of jobs, job training, and technical, financial, and other assistance to employers, employees, and residents of such zones.

(e) Other services or modification of requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zones under any Act of the Congress of the United States heretofore or hereafter enacted.

Section 4. In carrying out any program established in an Enterprise Zone created hereunder, the governing body of the county

in which such city is situated, and all agencies of such city and county agencies created thereby, and the State of Alabama and all agencies thereof, are hereby authorized to carry out programs which include, but are not limited to, those authorized for such city under the provisions of paragraphs (a), (b), (c), (d) and (e) of Section 3 above.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or part of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-677

S. 530—Senator Barron

AN ACT

Relating to DeKalb County; providing further for the cost and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, in addition to all other costs and charges in district court cases, a fee of \$4.00 shall be charged and collected by the clerk of the district court. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile probation office. The county commission is hereby authorized to make expenditures from said fund as deemed necessary by the chief probation officer to be utilized for juvenile probation purposes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-678

S. 546—Senator Smith (J)

AN ACT

Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. No person residing within the corporate limits of the City of Athens shall be eligible to vote for the members of the Limestone County Board of Education or the Limestone County Superintendent of Education.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The county governing body shall provide for an advisory election to be held at the next county-wide election held not earlier than ninety days after the passage of this act. Such election shall be held in the same manner as all other county-wide elections. On the ballot at such election the question shall be substantially as follows:

“Do you favor excluding the residents of the City of Athens from voting in the election of the Limestone County superintendent of education and county board of education. Yes No ?”

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-679

S. 548—Senator Kirkland

AN ACT

Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable to supernumerary circuit clerks in Escambia County.

Section 2. Any law to the contrary notwithstanding, the supernumerary circuit clerk of Escambia County shall receive an annual expense allowance in an amount which together with any salary from county, municipalities, or state funds shall equal the total annual salary paid to the supernumerary tax collector of Escambia County. Such annual expense allowance shall be payable from the

county general fund in monthly installments in an amount equalling the difference between the monthly installment of the total annual salary paid to the county supernumerary tax collector and the monthly installment of the annual salary paid to the county supernumerary circuit clerk.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall be effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-680

S. 549—Senator Robertson

AN ACT

Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the petition of 33 percent of the registered voters being filed with the probate judge, elections or referendums as to the question of whether to prohibit the manufacture and sale of wine, alcoholic liquor or beverages in Pickens County may be held at not less than six-year intervals.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-681

S. 550—Senator Robertson

AN ACT

Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, it shall be unlawful for anyone to have in his possession any quantity of alcoholic liquors and beverages. Exempted from the provisions hereof is the possession, sale, purchase and prescription dispensation of alcohol by pharmacists and physicians in accordance with the general law of the state of Alabama.

Section 2. Any person convicted of violating the provisions of this act shall be guilty of a Class C misdemeanor.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Pickens County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of Pickens County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law prohibiting the possession of any quantity of alcoholic liquors and beverages in Pickens County? Yes () No ().” If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Pickens County shall certify the results of the election to the Secretary of State and to Administrator of the Alcoholic Beverage Control Board immediately after the returns have been certified.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-682

S. 547—Senator Little

AN ACT

Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to Lee County.

Section 2. Every person, firm, or corporation who owns, maintains, or keeps in Lee County a mobile home, except a mobile home which constitutes a part of his stock as a dealer and except a mobile home which has been assessed for ad valorem taxation as a part of the realty, shall pay an annual registration fee of three dollars (\$3.00). Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as separate from the realty on which it sits shall receive a colored decal upon the payment of both his mobile home registration fee and ad valorem taxes on the mobile home. Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as a part of the realty on which it sits shall receive an alternative color decal upon the payment of the ad valorem tax on said mobile home. Said decals shall be designed by the state department of revenue and displayed on the trailer for which the registration fee and/or ad valorem taxes was paid on or near the front entrance in such manner that it shall be readily accessible to the view of the license inspector. Such fee shall be paid to the judge of probate in the county and shall be due, payable, and delinquent at the same times that motor vehicle licenses are due, payable, and delinquent. After payment of administrative expenses, including designer's fees, said judge shall distribute the proceeds of such registration fees at the same time and in the same proportions and under the same pains and penalties as the proceeds of motor vehicle license fees are distributed and said judge shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags in the county.

Section 3. The owner of any mobile home who fails to pay

the registration fee hereby provided for or who fails to display the identification plate or decal on such mobile home, as required in Section 2 of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). In addition to all applicable state fines and other criminal sanctions, a penalty of ten dollars (\$10.00) shall be assessed against any person, firm, or corporation who fails to pay their registration fee at the proper time. The ten dollar (\$10.00) penalty shall be distributed as follows: five dollars (\$5.00) to the county general fund and five dollars (\$5.00) to the office of the license inspector.

Section 4. The judge of probate in Lee County and the state department of revenue are hereby empowered to promulgate and carry out all rules and regulations necessary to implement the provisions of this Act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597), is repealed.

Section 6. The provisions of this Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-683

S. 58—Senators deGraffenried, Keener, Mitchem, Proctor, Smith (J), Aldridge, Bedford, Bailey, Parsons, Bishop, Holmes, Bachus, Teague, Kirkland, Figures, Bedsole, Menton, Dixon, Denton, Covington, Little, Mitchell, Smith (B)

AN ACT

To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following constitution is proposed and shall replace the Constitution of 1901, as amended, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Preamble

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government of the State of Alabama:

ARTICLE 1

Declaration of Rights

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. That all men and women are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among those are life, liberty and the pursuit of happiness.

Section 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Section 3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, and other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 5. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Section 6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own

behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue.

Section 7. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest.

Section 9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury.

Section 10. That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

Section 11. That the right of trial by jury shall remain inviolate.

Section 12. That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Section 13. That all courts shall be open; and that every per-

son, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Section 14. That the State of Alabama shall never be made a defendant in any court of law or equity.

Section 15. That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

Section 16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

Section 17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.

Section 18. That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

Section 19. That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate.

Section 20. That no person shall be imprisoned for debt.

Section 21. That no power of suspending laws shall be exercised except by the legislature.

Section 22. That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment.

Section 23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just com-

pensation shall, in all cases, be first made to the owner; and, provided, that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

Section 24. That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

Section 25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Section 26. That every citizen has a right to keep and bear arms in defense of himself and the state.

Section 27. That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Section 28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Section 29. That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

Section 30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

Section 31. That temporary absence from the state shall not cause a forfeiture of residence once obtained.

Section 32. That the privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

Section 33. That foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

Section 34. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.

Section 35. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE II

State Boundaries

Section 36. The boundaries of this state are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this state, as originally formed; thence southwardly, along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this state shall extend to and include any other land and territory acquired, by contract or agreement with other states or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

ARTICLE III

Distribution of Powers of Government

Section 37. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section 38. In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or ei-

ther of them; to the end that it may be a government of laws and not of men.

ARTICLE IV

Legislative Department

Section 39. The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.

Section 40. Senators and representatives shall be elected by the qualified electors in every fourth year on the first Tuesday after the first Monday in November unless the legislature shall change the time of holding elections. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution.

Section 41. Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election within such time as may be provided by general law to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election to the vacancy is unopposed when the last date for filing for places on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.

Section 42. Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective districts for one year next before their election, if such district shall have been so long established; but if not, then of the district from which the same shall have been taken; and they shall reside in their respective districts during their terms of office.

Section 43. All sessions of the legislature shall be held in the City of Montgomery at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become temporarily impracticable for the legislature to meet or remain at the capitol, in which case the governor may designate and provide a suitable place in the City of Montgomery for the meeting of the legislature and the transacting of business of the legislative department for such temporary time.

Section 44. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive days. No business can be

transacted for such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor.

Section 45. At the beginning of each such organizational session, and at such other times as may be necessary, the senate shall elect one of its members president *pro tempore* thereof, to preside over its deliberations in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president *pro tempore* of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. Each house shall choose its own officers and shall judge for the election, returns, and qualifications of its members.

Section 46. The legislature shall convene in regular sessions annually on the first Tuesday in February, or on such other day as may be prescribed by law, and such sessions shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to twelve legislative days and 30 calendar days.

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the term in which they are serving at the time of passage of such joint resolution. Each legislature, prior to the adjournment of the second or third regular session of the quadrennium, shall establish the compensation and allowances of legislators elected to the next term. If such resolution is not adopted prior to adjournment of the third regular session of each quadrennium, the compensation and allowances of the members of the next legislature shall be the same as the members of that legislature.

Section 48. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day

and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Section 49. Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state.

Section 50. A member of the legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Section 51. Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal.

Section 52. Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house shall be questioned in any other place.

Section 53. The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, the officers, and employees of the two houses, the governor and his secretary, representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor.

Section 54. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.

Section 55. No senator or representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emolu-

ments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Section 56. The style of the laws of this state shall be: "Be it enacted by the legislature of Alabama", which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revisions of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Section 57. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Section 58. No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house.

Section 59. Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution; provided that either house may dispense with the reading at length required by this section by unanimous consent, which fact shall also be entered in the journal.

Section 60. No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.

Section 61. The legislature shall have no power to authorize lotteries or gift enterprises except for charitable purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enter-

prise tickets, or tickets in any scheme in the nature of a lottery.

Section 62. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal.

Section 63. The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

Section 64. The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant, any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not prevent the legislature from increasing retirement benefits to those eligible for retirement benefits.

Section 65. All bills for raising revenue shall originate in the house of representatives. The senate may propose amendments to such bills.

Section 66. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. In the event the legislature fails to pass such general appropriation bills for any fiscal year, which failure is not due to the governor's veto, the current appropriations for such expenses and departments, except capital outlay, one-time and conditional appropriations whether or not they have been paid, shall continue in full force and effect and in the same amounts as they were on the last day of the current fiscal year until the legislature enacts new appropriation laws to supersede the continuing appropriations provided for herein. The salary of no officer or employee shall be increased in such bills, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriation shall be made by separate bills, each embracing but one subject.

Section 67. No money shall be paid out of the treasury except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Section 68. No appropriation shall be made to any charitable or educational institution not under the absolute control of the state, except by a vote of two-thirds of all members elected to each house.

Section 69. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house.

Section 70. No act of the legislature changing the seat of government of the state shall become a law until the same shall have been submitted to the qualified electors of the state at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

Section 71. The legislature shall prescribe by law a code of ethics for all members of the legislature and other public officers and employees prohibiting conflict between public duty and private interest, prohibiting bribery and the solicitation of bribes, and providing penalties for the violation of such code.

Section 72. A member of the legislature who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 73. In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journal.

Section 74. It shall be the duty of the legislature, to make provision by law for revising, digesting, and promulgating the public statutes of this state, of a general nature, both civil and criminal.

Section 75. The legislature may require the state and counties to make adequate provisions for the maintenance of the poor.

Section 76. The legislature shall not have power to authorize any county or municipal governing body to pass any laws inconsistent with the general laws applicable to the whole state.

Section 77. The legislature shall provide by law for the exemption of personal property and of homesteads from forced sale for the payment of debts and shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property so exempted from sale.

Section 78. There can be no law of this state impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this state. After suit has been commenced on any cause of action, the legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

Section 79. The legislature shall not enact any law not applicable to all the counties in the state regulating costs and charges of courts, provided that all general and local laws validly enacted under the provisions of the Constitution of 1901, as amended, providing for court costs in any county shall continue in effect until they are repealed or expire by their own limitations.

Section 80. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Section 81. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Section 82. Lands belonging to or under the control of the state shall never be donated, directly or indirectly, to private corporations, partnerships, associations, or persons, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across state land, and the legislature shall never dispose of the land covered by such right of way except subject to such easement.

Section 83. No obligation or liability of any person, association, or corporation held or owned by this state, or by any county or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the legislature from providing by general law for the compromise of doubtful claims.

Section 84. No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or

against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

Section 85. The legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business.

Section 86. The legislature shall not pass a special, private, or local law in any of the following cases:

- (1) Granting a divorce;
- (2) Relieving any minor of the disabilities of nonage;
- (3) Providing for the adoption or legitimizing of any child;
- (4) Establishing rules of descent or distribution;
- (5) Regulating the time within which a civil or criminal action may be begun;
- (6) Providing for the sale of the property of any individual or estate;
- (7) Regulating the rate of interest;
- (8) Fixing the punishment of crime;
- (9) Regulating either the assessment or collection of taxes;
- (10) Giving effect to an invalid will, deed, or other instrument;
- (11) Creating, extending, or impairing any lien;
- (13) Increasing the jurisdiction and fees of constables;
- (14) Establishing separate school districts;
- (15) Establishing separate stock districts;
- (16) Exempting property from taxation or from levy or sale;
- (17) Exempting any person from jury, or other civil duty;
- (18) Remitting fines, penalties, or forfeitures;
- (19) Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;
- (20) Restoring the right to vote to persons convicted of felonies involving moral turpitude;

(21) Declaring who shall be liners between precincts or between counties.

The legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in section 88 of this constitution.

Section 87. No special, private, or local law shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the legislature indirectly enact any such special, private, or local law by the partial repeal of a general law nor shall the legislature enact a special, private or local law granting, amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof.

Section 88. No special, private, or local law shall be passed on any subject unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the department of archives and history where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

Section 89. The legislature shall not, by a special, private, or local law, repeal or modify any special, private, or local law except upon notice being given and shown as provided in the last section.

Section 90. The operation of a general law shall not be suspended for the benefit of any individual, private corporation, or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this

article otherwise provided.

Section 91. A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law. The legislature may enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law. No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in section 88 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law. A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Section 92. No bill introduced as a general law in either house of the legislature shall be so amended on its passage as to become a special, private or local law.

ARTICLE V

Executive Department

Section 93. The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, commissioner of agriculture and industries, and a sheriff for each county.

Section 94. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama".

Section 95. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the qualified electors of the state at the same time and places appointed for the election of members of the legislature.

Section 96. The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the speaker of the house of representatives,

who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the legislature in joint convention; but the speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall be determined by both houses of the legislature in such manner as may be prescribed by law.

Section 97. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer and commissioner of agriculture and industries shall hold their respective offices for the term of four years from noon on the first Monday after the second Tuesday in January next succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term.

Section 98. The governor and lieutenant governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election.

Section 99. The lieutenant governor shall be ex officio president of the senate, but shall have no right to vote except in the event of a tie.

Section 100. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside at the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time his compensation shall be the same as that allowed the governor.

Section 101. The governor shall take care that the laws be faithfully executed.

Section 102. The governor may require information in writing,

under oath, from the officers of the executive department, named in this article, or created by statute, on any subject, relating to the duties of their respective offices, and he may at any time require information in writing, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a willfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

Section 103. The governor may, by proclamation, on extraordinary occasions, convene the legislature and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Section 104. The governor shall, from time to time, give to the legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the legislature, and at the close of his term of office, he shall give information by written message of the condition of the state; and he shall account to the legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

Section 105. The governor shall have power to grant reprieves and commutations to persons under sentence of death. The legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon.

Section 106. Every bill which shall have passed both houses of the legislature, except as otherwise provided in this Constitution, shall be presented to the governor; if he approves, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If the governor's message proposes no amendment which would remove his objections to the bill, the house in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that house vote for the passage of the bill, it shall be sent to the other house, which shall in like manner reconsider, and if a majority of the whole number elected to that house vote for the passage of the bill, the same shall become a law, notwithstanding the governor's veto. If the gov-

ernor's message proposes amendment which would remove his objections, the house to which it is sent may so amend the bill and send it with the governor's message to the other house, which may adopt, but cannot amend, said amendment; to both houses concurring in the amendment, the bill shall again be sent to the governor and acted on by him as other bills. If the house to which the bill is returned refuses to make such amendments, it shall proceed to reconsider it; and if a majority of the whole number elected to that house shall vote for the passage of the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall become a law. If the house to which the bill is returned makes the amendment, and the other house declines to pass the same, that house shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house, respectively. If any bill shall not be returned by the governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the house in which it originated within two days after the reassembling, otherwise it shall become a law, but bills presented to the governor within five days before the final adjournment of the legislature may be approved by the governor at any time within ten days after such adjournment, and if approved and deposited with the secretary of state within that time shall become law. Every vote, order, or resolution to which concurrence of both houses may be necessary, except on questions of adjournment and the bringing on of elections by the two houses, and amending this Constitution, shall be presented to the governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

Section 107. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 108. In case of the governor's removal from office, death or resignation, the lieutenant governor shall become governor. If both the governor and lieutenant governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor, pending such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and administered by either the president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, or state treasurer in the order herein named. In case of the impeachment of the governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the governor is acquitted, returns to the state, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the lieutenant governor, president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, and state treasurer. If any of these officers be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor shall be absent from the state over twenty days, the secretary of state shall notify the lieutenant governor, who shall enter upon the duties of governor; if both the governor and lieutenant governor shall be absent from the state over twenty days, the secretary of state shall notify the president pro tempore of the senate, who shall enter upon the duties of governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the governor or other officer entitled to administer the office in succession of the governor returns. If the governor-elect fails or refuses from any cause to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies; and in the event both the governor-elect and the lieutenant governor-elect from any cause fail to qualify, the president pro tempore of the senate, the speaker of the house of representatives, the attorney general, state auditor, secretary of state, and state treasurer, shall, in like manner, in the order named, administer the office until the governor-elect or lieutenant governor-elect qualifies.

Section 109. If the governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the supreme court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon

request in writing, verified by their affidavits, of any two of the officers named in section 108 of this Constitution, not next in succession to the office of governor, to ascertain the mental condition of the governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the secretary of state; and in the event of such adjudication, it shall be the duty of the officer next in succession to perform the duties of the office until the governor or other officer administering the office is restored to his mind. If the incumbent denies that the governor or other person entitled to administer the office has been restored to his mind, the supreme court, at the instance of any officer named in section 108 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the secretary of state; and in the event of such adjudication, the office shall be restored to him. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the governor or person acting as governor.

Section 110. The lieutenant governor, president pro tempore of the senate, speaker of the house, attorney general, state auditor, secretary of state, or state treasurer, while administering the office of governor, shall receive like compensation as that prescribed by law for the governor, and no other.

Section 111. No person shall, at the same time, hold the office of governor and any other office under this state or the United States except service in the military forces of the United States and except as otherwise provided in this Constitution.

Section 112. The governor shall be commander-in-chief of the militia of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by resolution of the legislature.

Section 113. No person shall be eligible to the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this state at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Section 114. There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legis-

lature. The seal shall be called "The Great Seal of the State of Alabama".

Section 115. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

Section 116. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

Section 117. Should the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries become vacant from any cause, the governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the supreme court upon the suggestion of the governor.

Section 118. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports more often upon any matters pertaining to their offices if required by the governor or the legislature. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or employees of any such boards, or against any school official or employee throughout

Alabama.

Section 119. A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 143 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this state during the time for which he had been elected or appointed to serve as sheriff.

ARTICLE VI

Judicial Department

Section 120. (a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

(b) The legislature may create judicial officers with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created.

Section 121. (a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

Section 122. (a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of

judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

Section 123. (a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law.

Section 124. The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law. The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

Section 125. There shall be a probate court in each county

which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them.

Section 126. (a) All municipal courts shall have uniform original jurisdiction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 134, 135 and 136 of this article.

(b) The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, reestablish a municipal court after appropriate notice.

Section 127. Judges of the supreme court, courts of appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law.

Section 128. (a) No judge of any court of this state, except a municipal judge, shall, during his continuance in office, engage in the practice of law and no judge of any court of this state shall receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, or municipal court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution,

for the judges of all courts of this State.

Section 129. (a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of municipal courts and judges of the probate courts. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act or a joint resolution of the legislature at the session to which the report is submitted; provided, however, that, as thus fixed, such compensation shall not become effective until the first day of the fiscal year next following. The compensation of a judge shall not be diminished during his official term.

Section 130. The chief justice of the supreme court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate court for temporary service and trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judicial system, exclusive of probate courts and municipal courts. The legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the appellate courts from each such court.

Section 131. The supreme court shall make and promulgate rules governing the administration of all courts and rules governing

practice and procedures in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided, further, that the right of trial by jury as at common law and declared by section 11 of this Constitution shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application.

Section 132. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by general law.

Section 133. (a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his office for his full term.

Section 134. All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts.

Section 135. The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor, provided, however, that the procedure and authority for filling judicial vacancies as provided in amendments 83, 110, 328, 334, and 408 of the Constitution of 1901 shall be continued. A judge, other than a probate judge, appointed to fill a vacancy, shall serve the remainder of the unexpired term or a term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office whichever is shorter. At such election such judicial office shall be filled for a full term of office. Upon the

creation of a new judgeship pursuant to the provision of this constitution, such judgeship shall initially be filled as if a vacancy existed in such judgeship.

Section 136. (a) The term of office of each judge of a court of the judicial system of this state shall be six years.

(b) A law reducing the number of judges of the supreme court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when a vacancy in the affected court occurs.

Section 137. The legislature shall provide by law for the retirement of judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe.

Section 138. (a) A judicial inquiry commission is created consisting of seven members. The supreme court shall appoint one appellate justice or judge and the circuit judges' association shall appoint two judges of the circuit court as members of the commission. The governor shall appoint two persons who are not lawyers and the governing body of the Alabama state bar shall appoint two members of the state bar to serve as members of the commission. The commission shall select its own chairman. The terms of the members of the commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations, and to receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The legislature shall appropriate funds for the operation of the commission.

Section 139. (a) The court of the judiciary is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of the judiciary, two judges of the circuit court, who shall be selected by the circuit judges' association, and two members of the state bar, who shall be selected by the governing body of the Alabama state bar. The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing, (1) to remove from office, suspend without pay or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, or failure to perform his duties, or (2) to suspend with or without pay or to retire a judge who is physically or mentally unable to perform his duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The legislature shall provide by law for the expenses of the court.

Section 140. A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

Section 141. (a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuance in office, reside in his circuit. His term of office shall be for six years and he shall receive such compensation as provided by law. Vacancies in the office of district attorney and in his staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

ARTICLE VII

Impeachments

Section 142. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the senate sitting as a court of impeachment, under oath or affirmation, on articles on charges preferred by the house of representatives. When the governor or lieutenant governor is impeached, the chief justice, or if he be absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment. If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the secretary of state their desire to meet to consider the impeachment of the governor, lieutenant governor, or other officer administering the office of governor, it shall be the duty of the secretary of state immediately to notify the speaker of the house, who shall, within ten days after receipt of such notice, summon the members of the house, by publication in some newspaper published at the capital, to assemble at the capitol on a day to be fixed by the speaker, not later than fifteen days after the receipt of the notice to him from the secretary of state, to consider the impeachment of the governor, lieutenant governor, or other officer administering the office of governor. If the house of representatives prefer articles of impeachment, the speaker of the house shall forthwith notify the lieutenant governor, unless he be the officer impeached, in which event he shall notify the secretary of state, who shall summon, in the manner herein above provided for, the members of the senate to assemble at the capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the speaker of the house, for the purpose of organizing as a court of impeachment. The senate, when thus organized, shall hear and try such articles of impeachment against the governor, lieutenant governor, or other officer administering the office of governor, as may be preferred by the house of representatives.

Section 143. District attorneys and sheriffs may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the supreme court, under such regulations as may be prescribed by law. The legislature may provide for the impeachment or removal of other officers than those

named in this article.

Section 144. The clerks of the circuit courts, tax collectors, tax assessors, county treasurers, county superintendents of education, coroners, notaries public, constables, and all other county officers, mayors and all other officers of incorporated cities and towns in this state, may be removed from office for any of the causes specified in section 142 of this Constitution, by the circuit courts of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

Section 145. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

ARTICLE VIII

Suffrage and Elections

Section 146. Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his residence. The legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting.

Section 147. No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 148. The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

ARTICLE IX

Representation

Section 149. The number of senators shall be not more than thirty-five and the number of representatives shall be not more than one hundred five.

Section 150. The State shall be divided by law into single-member districts for the election of members of the Senate and into single-member districts for the election of members of the House of Representatives. Each single-member district shall consist of compact and adjoining territory, and the population of each such district shall be as nearly equal as practicable.

Section 151. Reapportionment of senatorial and house of representatives districts shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

Section 152. Redistricting of congressional districts for the election of the members of the United States House of Representatives shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

ARTICLE X

Education

Section 153. It is the policy of the state of Alabama to foster and promote public education and in furtherance of that policy the legislature may provide for the maintenance and support of public schools and may establish, organize and support such other public educational institutions, including public institutions of higher learning, as the legislature may deem desirable.

Section 154. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.

Section 155. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the State Board of Education within limits set by the legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

Section 156. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 157. All lands or other property given by individuals, or appropriated by the state for educational purposes, and all estates of deceased persons which shall have escheated to the state shall be used or applied to the furtherance of education.

Section 158. The income arising from the sixteenth section

trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections 156 and 157 of this Constitution together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the legislature shall levy, shall be applied to the support and furtherance of education, and it shall be the duty of the legislature to increase the public school fund from time to time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state.

Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state and of all special ad valorem or other taxes levied by counties and municipalities, or school districts, pursuant to the Constitution for public school purposes, shall be applied to the support and furtherance of education pursuant to section 153 of this Constitution.

Section 159. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

Section 160. (a) The several counties in this state shall have power to levy and collect a special tax not exceeding ninety cents on each one hundred dollars of taxable property in such counties, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for the support and furtherance of education in such manner as may be authorized by the legislature; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such elections; and (b) the several school districts of any county in the state shall have power to levy and collect a special district tax not exceeding sixty cents on each one hundred dollars worth of taxable property in such district, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or other school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed as may be approved by the county board of education; provided further, that the

rate of such tax, the time is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

Section 161. The state university shall be under the management and control of a board of trustees, which shall consist of two members from each congressional district in the state, an additional member from the congressional district which includes the site of the first campus of the university, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees shall hold office until their respective terms expire, and until their successors shall be elected and confirmed as hereinafter required. Trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of successor trustees or of trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any trustee so elected shall hold office from the date of election until confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which elected, and until a successor is elected. At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it rejects the names of any members, it shall thereupon elect trustees in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a trustee, the board, if it desires, may bestow upon a trustee the honorary title of trustee emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such.

Section 162. Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on the first day of January 1961, the state superintendent of education, and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be

divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

ARTICLE XI

Local Government

Section 163. The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed.

Section 164. The legislature may, by a vote of two-thirds of each house thereof, arrange and designate boundaries for the several counties of this state, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles; and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation.

Section 165. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county courthouse of any old county.

Section 166. No courthouse or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years.

Section 167. The legislature shall provide by general law an optional plan or optional plans of local government for counties delegating such legislative authority to such governing bodies as the legislature deems desirable not inconsistent with the provisions of this constitution. A county may adopt or rescind such an optional plan of local government by referendum initiated by resolution of the governing body or by petition of the electorate in such county in

accordance with such conditions and procedures as the legislature shall provide by general law. A county which does not elect to be governed by such an optional plan, or which rescinds such plan, shall continue to be governed according to the general or local laws which are, or may thereafter be, applicable to such county.

Section 168. The legislature shall also provide by general law optional plans of government for municipalities.

Section 169. The legislature shall provide by general law for the incorporation, government, merger and change of boundaries of cities and towns, and for the annexation of unincorporated territory to incorporated cities and towns, which are referred to as municipalities in this article, except that municipal boundaries may be altered or rearranged by local law.

Section 170. No person, firm, association, or corporation shall be authorized or permitted to use the street, avenues, alleys or public places of any municipality for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of the municipality.

Section 171. No franchise or license shall hereafter be granted by a municipality for a period longer than forty years.

Section 172. The legislature shall not enact any law which will permit any person, firm, corporation, or association to pay a privilege, license, or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the state.

Section 173. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make such compensation to be ascertained as may be provided by law, for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury, or destruction. The legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on demand of either party, be determined by a jury according to law.

Section 174. In the event of conflict between a municipal or

county ordinance and a state law, the state law shall prevail.

ARTICLE XII

Taxation and Debt Limitation

Section 175. Neither the state of Alabama nor any political subdivision of the state shall have, or be granted by the legislature, the power to lend its credit, or to grant public money or thing of value in aid of or to any individual, private association, or private corporation whatsoever except for public purposes as authorized by law and unless approved by a majority of the qualified electors of the state or the affected political subdivision voting on such issue; nor shall the state or any political subdivision thereof be interested in any private or corporate enterprise; provided that nothing herein shall prohibit the legislature from (1) authorizing the investment of public trust funds and, in particular, those funds managed and administered by the state retirement systems and its officers, but excepting the special educational trust fund, or (2) authorizing the investment of other public funds in obligations of, or insured by, the United States government or any of its agencies or instrumentalities or in any fully insured or secured interest bearing time deposits whether or not evidenced by certificates of deposit. Except as herein permitted the state shall not be engaged in the business of banking nor be a stockholder in any bank nor shall the credit of the state be given or loaned to any banking company, association, or corporation. Nothing contained in this section shall prohibit the legislature from authorizing the expenditure of special assessments, fees or other charges collected from the producers of agricultural, dairy, poultry, or livestock products for the general promotion of these industries nor shall any provision of this Constitution prohibit the delegation by the legislature of powers to collect fees or charges for use in the promotion of such industries.

Section 176. The power to levy taxes shall not be delegated to individuals or private corporations or associations.

Section 177. A state tax may be levied on net income and shall not exceed the rate of five per cent. The revenue from this tax shall be used: (1) to replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from the state ad valorem tax, and (2) the residue shall be placed in the state treasury to the credit of the Alabama Special Educational Trust Funds to be used only for the payment of public school teachers' salaries.

Section 178. A resident individual or a corporation organized under the law of this state shall be allowed to deduct from gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual or foreign corporation shall

be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state, to be determined in accordance with such laws as the legislature may enact.

Section 179. Except as prohibited by this Constitution, the legislature, in enacting laws taxing income, may define income by reference to provisions of the laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

Section 180. The legislature may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes.

Section 181. No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax and except for any extra fee charged for personalized license plates, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than the cost of administering such laws, statutory refunds and adjustments allowed therein, the cost of construction, reconstruction, maintenance and repair of public highways and bridges, the costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this section shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein.

Section 182. There shall be a fund in the state treasury which shall be known as the fish and wildlife fund and which shall consist of all moneys received from the sale of hunting and fishing licenses, from fines, forfeitures, and any other fee received pursuant to the fish and wildlife laws of this state or rules and regulations promulgated thereunder, all moneys derived from the sale of lands, timber or other natural resources owned by the game and fish division of the Department of Conservation, all moneys received from grants, voluntary contributions and interest on lifetime licenses, and all moneys accruing to the fish and wildlife fund from any other source. No funds accruing to the fish and wildlife fund shall be expended for any purpose other than the payment of administrative costs of the fish and wildlife activities of the Department of Conservation and for the protection, propagation, preservation or investigation of fish and wildlife or for the public use of the fish and wildlife resources of this state.

Section 183. State ad valorem taxes shall not be levied in excess of six and one-half mills on the assessed value of property in any one taxable year.

Section 184. (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation;

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single-family owner-occupied residential property, and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

Class I. 30 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

Class IV. 15 per centum.

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). The governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or decrease, shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3)

subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. The legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assessment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than 5 per centum nor more than 35 per centum.

(e) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax.

(f) No county, municipality or other taxing authority may levy ad valorem taxes in addition to those authorized to be levied on the effective date of this Constitution or increase the rate of ad valorem taxation above that authorized on such date. Any county, municipality, or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit provided by law on the effective date of this Constitution or otherwise permitted by this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the gov-

erning body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state; provided, however, that the legislature shall not have the power to levy ad valorem taxes for the benefit of any county, municipality or other taxing authority nor shall the legislature have the power to increase the rate of any ad valorem tax levied by a county, municipality or other taxing authority, except in conjunction with the procedure set forth in clauses (1), (2) and (3) of this subsection (f).

(g) The legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; provided, that unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such amendment hereto.

(h) Wherever any constitutional provision or statute provides for, limits or measure the power of authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provisions shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, or authorized prior to the adoption of this Constitution the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed $1\frac{1}{2}\%$ of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed $1\frac{1}{4}\%$ of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collect-

ing any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(j) Notwithstanding any other provision of this section, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties, and municipalities and property devoted exclusively to religious, educational, cemetery, or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

Section 185. No debt shall be created against, or incurred by, the state, nor shall any bonds, warrants, notes or other securities payable in whole or in part from state taxes, licenses or appropriations be issued, except pursuant to an act passed by a vote of three-fifths of the members elected to each house of the legislature and approval by a majority of the electors of the state voting on the question.

The following shall not constitute a debt of the state within the meaning of this section:

(1) Bonds or other securities issued by any state university, college or other institution of higher learning, or by the state board of education or other such governing board on behalf of any of the foregoing, if by their terms such bonds or other securities are not made a charge on the general credit or any of the tax revenues of the state or any monies appropriated to such institution by the state, but are made payable solely out of tuition, fees or other revenues (from whatever source) referable to the operation of such institution;

(2) Bonds or other securities issued by or on behalf of the state or any of its instrumentalities if by their terms they do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from the revenues from specified facilities (whether or not such facilities were in existence or owned by or on behalf of the state at the time such bonds or securities were issued) or from sources other than state taxes, licenses or appropriations;

(3) Bonds or other securities at anytime issued by the Alabama highway authority, Alabama public school and college authority, Alabama highway finance corporation, Alabama federal aid highway finance authority and any other public corporation or authority heretofore or hereafter created at the state level and which are payable solely from, and secured by a continuing appropriation and pledge of, any proceeds of any exercise, privilege, license, income, ad valorem or other tax or taxes levied or imposed by the state, (i) even though the tax or taxes out of which such bonds or other securities are payable consist wholly or in part of tax proceeds that may at anytime have been or in the absence of such pledge would be available to the general fund of the state, and (ii) even though the taxes pledged to payment of such bonds or other securities may have been originally levied for purposes other than that for which such bonds or other securities are to be issued; any statute authorizing the issuance of bonds or other securities by a public corporation within to the provisions of this paragraph shall require for its passage a vote of three-fifths of the members elected to each house of the legislature.

It shall be unlawful for the comptroller of the state of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the state of Alabama upon the state treasurer, unless there is in the hand of such treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for the payment of all proper claims presented to the state

comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the state treasurer, provided, however, that the legislature may exempt the payment of the bonded indebtedness of the state and the interest thereon from such proportionate reduction. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the state treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this section shall, on conviction, be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this section shall also be ground for impeachment.

Section 186. No county or municipality shall incur indebtedness in an amount which, when added to then existing indebtedness (including that incurred prior to the effective date of this section) exceeds the following percentages of the assessed value of the property assessed for taxation by such county or municipality for the preceding tax year: (1) 10 per cent in the case of a county; and (2) 35 per cent in the case of a municipality. The preceding debt limitation shall not apply to the following obligations:

(a) Obligations for current operating expenses in any fiscal year that mature not later than the last day of such fiscal year, made in anticipation of the collection of taxes, not exceeding 25 per cent of the general revenues received in the preceding fiscal year which were available for such purposes; provided that if such obligations are not paid and retired by the end of the fiscal year in which incurred, they shall thereupon be considered to constitute indebtedness subject to the above limitation;

(b) Obligations to provide funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or drained, served or benefitted by such improvements;

(c) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from distributions of taxes or other revenues by the state to such obligor;

(d) Obligations of a county that by their terms do not constitute a charge on the general credit or tax revenues of the county and obligations of a public corporation designated by the county to acquire, construct, equip, operate and maintain public hospital facili-

ties; provided that such county or corporate obligations are payable solely from taxes now or hereafter levied for hospital or other health purposes or from hospital revenues or both;

(e) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from revenues from specified facilities (whether or not such facilities were in existence or owned by the obligor at the time such indebtedness was incurred) or from sources other than tax or license proceeds;

(f) Obligations of any public corporation, notwithstanding the fact that property, whether or not capable of producing income, may have been transferred to such public corporation by any county or municipality with or without consideration;

(g) Obligations of any county or municipal board of education;

(h) Obligations consisting of principal of or accrued interest on indebtedness to the extent that one or more sinking funds or trust funds shall be established for the payment of such principal or interest, provided that any such sinking fund or trust fund shall comply with the following conditions:

(1) any such sinking fund or trust shall consist of (i) cash, (ii) federal securities, (iii) demand or time deposits with banks (whether or not evidenced by certificates of deposit) that are insured by an agency of the United States of America or, to the extent not so insured, are secured by collateral consisting of federal securities and having a market value (exclusive of accrued interest) not less than the amount of such deposits not so insured, or (iv) any combination of cash, federal securities or bank deposits, it being provided that, for purposes of this subsection (h), federal securities shall mean direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America as to the payment of both principal and interest; and

(2) the principal and interest maturing with respect to any federal securities or time deposits held in any such sinking fund or trust fund, together with the amount of any cash or demand deposits held therein, will provide moneys sufficient to pay any principal or accrued interest excluded from the debt limit pursuant to this subsection (h) on or before the respective maturities or due dates of such principal and interest;

provided further that the legislature may by general law provide additional or different conditions under which the establishment of sinking funds or trust funds for the payment of the principal of and accrued interest on obligations of counties and municipalities shall cause the debt limitation of this section to be inapplicable to such

principal and interest;

(i) Obligations incurred prior to the effective date of this section that were not, at the time incurred, chargeable to the limitations on indebtedness prescribed by Section 224 or 225 of the Constitution of 1901, as amended; and

(j) Obligations incurred by any municipality for the purpose of acquiring, providing or constructing school houses;

(k) Obligations authorized as to purpose, principal amount and final maturity (1) by action of the governing body of any county or municipality after a public hearing on the proposal, (2) thereafter approved by an act of the legislature and (3) subsequently approved by a majority of the electors of such county or municipality, as the case may be, who vote on the proposal.

Section 187. The legislature shall have authority to pass general laws authorizing the counties, municipalities, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, municipality, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words: "For . . . bond issue," and "Against . . . bond issue" (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

ARTICLE XIII

Militia

Section 188. The legislature shall have power to declare who shall constitute the militia of the state, and to provide for organizing, arming, and disciplining the same; and the legislature may provide for the organization of a state and naval militia.

Section 189. The legislature, in providing for the organization, equipment, and discipline of the state military forces, shall conform as nearly as practicable to the regulations of the department of defense of the United States, and the laws of the United States, governing the armed forces of the United States. All affairs pertaining to the state military forces shall be administered by a state military

department, which shall be headed by the adjutant general, and who shall be responsible to the governor as commander-in-chief.

Section 190. Officers of the state military forces, including the adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined by department of defense regulations and military usages sanctioned by the military laws of the United States, anything in this Constitution to the contrary notwithstanding. The qualifications of personnel of the federally recognized national guard shall be as prescribed in pertinent regulations and policies of the United States department of defense.

Section 191. The governor shall, with the advice and consent of the senate, appoint the adjutant general and all general officers. The governor shall appoint his own staff, as may be provided by law.

Section 192. The legislature shall provide for the safe keeping of the arms, ammunition, and accoutrements, and military records, banners, and relics of the state.

Section 193. The officers and men of the militia shall not be entitled to receive any pay, rations, or emoluments when not in active service.

ARTICLE XIV

Public Officers

Section 194. All members of the legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I_____, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either house of the legislature, or by any officer authorized by law to administer an oath.

Section 195. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this state; nor shall any person, except a notary public, hold two offices of profit at one and the same time under this state.

Section 196. The salary, fees, or compensation of any officer holding any civil office of profit under this state or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed. Neither the legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state, who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

Section 197. The legislature may, by general or local law, change the method or basis of compensating any officer of a county including the judge of probate, sheriff, tax assessor, and tax collector, and may place such officers on a salary. In the event that a county officer is placed on a salary, all fees, allowances, and commissions collected by him shall be paid into the county treasury. No law shall be effective to change the method of compensating any county officer during the term for which he shall have been elected or appointed. The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.

Section 198. No person convicted of a felony involving moral turpitude whose civil and political rights have not been restored shall be eligible to hold any office of trust or profit in this state.

Section 199. Appointments and promotions in the civil service of this state shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so

far as practicable, shall be competitive under such laws as the legislature may enact. It shall be the duty of the legislature to maintain laws necessary to implement, and to provide adequate financial support for, a program of personnel management in the state service.

ARTICLE XV

Application and Implementation

Section 200. It is made the duty of the legislature to enact all laws necessary to give effect to the provisions of this Constitution.

Section 201. Legislative acts in violation of this Constitution or the Constitution of the United States are void and the judiciary shall so declare them.

Section 202. This Constitution and every provision hereof is adopted for the protection of the citizens of this state and any such citizen may invoke its provisions in the courts of this state.

ARTICLE XVI

Mode of Amending the Constitution

Section 203. Amendments to this Constitution or a new Constitution may be proposed by the Legislature or by a constitutional convention as provided in this article. Only amendments which are of general and uniform applicability throughout the state shall be proposed, or submitted to the people.

Section 204. Amendments may be proposed to this Constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all of the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments. Proposed amendments shall be submitted to the electors of the state at the next general election following the notice required by this section, provided, that the legislature may, by separate act adopted by it in the manner required for proposing an amendment, call a special election for submission of an amendment. The act must declare that an emergency exists necessitating the submission prior to the next general election, and shall not be effective unless approved by the governor within seven days after it has been submitted to him. If a special election on a proposed amendment is called, other amendments may be submitted at the same election. Notice of such election, together with the proposed

amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of the general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the secretary of state, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the governor.

Section 205. Upon the ballots used at all elections provided for in section 204 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 206. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this state, unless after the legislature by a vote of a majority of all the members elected to each house has passed an act or resolution calling a convention for such purpose the question of convention or no convention shall be first submitted to a vote of all the qualified electors of the state, and approved by a majority of those voting at such election. No act or resolution of the legislature calling a convention for the purpose of altering or amending the Constitution of this state, shall be repealed except upon the vote of a majority of all the members elected to each house at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution.

Section 207. All votes of the legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a convention for the purpose of altering or amending the Constitution of this state, shall be taken by yeas and nays and entered on the journals. No act or resolution of the legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this state, shall be submitted for the approval of the governor, but shall be valid without his approval.

ARTICLE XVII

Continuation and Transition

Section 208. The Constitution of 1901, as amended, shall have no force or effect after the adoption of this Constitution, except as provided elsewhere in this Constitution.

Section 209. All laws in effect when this Constitution is adopted which were valid under the provisions of the Constitution of 1901 and which are not inconsistent with the provisions of this Constitution shall continue in effect until they are amended, repealed or expire by their own limitation.

Section 210. Amendments to the Constitution of 1901 which are not incorporated in the provisions of this Constitution and which are not inconsistent with the provisions of this Constitution shall continue in effect as general or local laws as defined by this Constitution until amended or repealed; provided that any such statute shall not be amended or repealed except by an act of the legislature and approved by a vote of the electors in this State or in the county, municipality or other political subdivision to which the statute applies; provided further, in particular, that amendments 3, 202, and 382, have been incorporated in substance into section 160 of this constitution and shall not be separately continued as statutes under this provision.

Section 211. All rights, claims, demands, contracts, titles, proceedings, actions, causes of action, suits, prosecutions, judgments, sentences, orders, decrees, and appeals in existence when this Constitution is adopted that are not inconsistent with the provisions of this Constitution shall continue in effect after the adoption of this Constitution. All indictments for crimes or offenses committed before the adoption of this Constitution shall be proceeded upon pursuant to the provisions of the Constitution of 1901, as amended, as if this Constitution had not been adopted.

Section 212. All bonds or obligations that are validly issued or incurred by the State or any public corporation pursuant to the provisions of the Constitution of 1901, as amended, shall continue in

effect after the adoption of this Constitution. Nothing in this constitution shall be construed to affect the validity of any general obligation indebtedness incurred by any county, city or town prior to the effective date of this section, and all such indebtedness is hereby validated and confirmed except in cases where (1) such indebtedness exceeded, at the time it was incurred, any limitation on indebtedness at that time imposed by the Constitution of Alabama of 1901, as amended, or (2) the validity of such indebtedness is or was adversely adjudicated in any judicial proceeding commenced prior to the effective date of this section.

Section 213. All taxes validly authorized pursuant to the provisions of the Constitution of 1901, as amended, the authorization of which is in effect when this Constitution is adopted, shall continue to be authorized and shall continue in effect after the adoption of this Constitution until altered, repealed or otherwise terminated by law.

Section 214. The officers of the state and all political subdivisions of the state holding office when this Constitution is adopted shall continue in the exercise of their functions and duties under the provisions of this Constitution and the laws of this state applicable to such officers, provided specifically that no provision of this Constitution shall lengthen or shorten the term of any person holding office when this Constitution is adopted.

Section 215. The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1901 shall continue in effect as provided for in that amendment after the adoption of this Constitution as if this Constitution had never been adopted except that such trust funds may be invested as permitted of other trust funds by Section 175 of this Constitution.

Section 216. Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the legislature of this state and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this state, shall not be declared invalid or unconstitutional by any court of this state because it was not properly advertised in compliance with section 88 of this Constitution. All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and not other, despite changes in population. The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution.

Section 217. All special incomes and powers of taxation as are authorized by law at the time of the adoption of this constitution for

the benefit of public schools in Mobile county shall continue to be authorized and shall continue in effect after the adoption of this constitution until otherwise provided by the legislature, and the adoption of this constitution shall not alter or disturb the existing right of the board of school commissioners of Mobile county to manage and control the 16th section lands in that county or to derive income from those lands.

Section 218. No county or municipality authorized by any amendment to the Constitution of 1901 to incur obligations, payable in whole or in part from taxes, for industrial or commercial development shall incur obligations under such authority later than two years after the adoption of this constitution.

Section 219. Any municipality in the State of Alabama which, pursuant to any of the provisions of Section 216 of the Constitution of 1901 or Amendments Nos. 8, 17 and 240 to the Constitution of 1901, was authorized to levy and collect a tax on property situated within its municipal boundaries for the exclusive purpose of paying its bonds or other indebtedness and the interest thereon, whether such bonds were issued or such other indebtedness was incurred before or after the effective date of said Section 216 or said Amendments Nos. 8, 17 and 240, shall continue under this Constitution to have the right to levy and collect such tax, irrespective of whether such tax was being levied and collected prior to the effective date of this Constitution, in the same manner and on the same terms and conditions (including any adjustment to the rate of such tax permitted by the provisions of Amendment No. 373 to the Constitution of 1901) as applied to the levy and collection of such tax and the use of the proceeds thereof under the Constitution of 1901, the relevant amendments thereto and other applicable laws of the State of Alabama in effect prior to the effective date of this Constitution. Any tax described in the first sentence of this section which is being levied and collected by any municipality as of the effective date of this Constitution shall continue in effect in accordance with the ordinance or other action of the municipal governing body providing for the levy thereof and shall not in any way be affected by the adoption of this Constitution. Any other provision of this Constitution to the contrary notwithstanding, any tax described in the first sentence of this section shall be independent of and in addition to any other taxes at any time authorized to be levied by municipalities in the State of Alabama.

Section 220. The Alabama State Docks Department shall continue in existence and shall have all the powers previously granted to or provided for it pursuant to those amendments to the Constitution of Alabama of 1901 respecting said Department in effect at the time this Constitution is adopted, which amendments shall continue

in effect and are incorporated hereby in this Constitution, and said Department shall continue to be authorized to exercise all powers being exercised by said Department at the time of the adoption of this Constitution until such powers are altered, repealed or otherwise terminated through adoption of amendments to this Constitution, provided, however, that the Legislature may provide for the issuance of bonds or other securities by said Department and for such additional powers for the Department as the Legislature shall determine.

Section 221. The provisions of Section 47 of this Constitution notwithstanding, the compensation and expense allowance payable to members of the legislature may be fixed by the legislature in the organizational or regular session of 1984 and may not be altered thereafter during such term.

Section 222. Throughout this Constitution, the masculine gender shall be deemed to include the feminine and vice versa, and both shall be deemed to include the neuter and vice versa, whenever the context admits such construction.

Section 2. An election upon the proposed amendment is ordered to be held at the next special or general election held not less than three months after the final adjournment of the 1983 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate as amended June 2, 1983

Passed the House as amended July 14, 1983

Passed the Senate as amended by Conference Committee Report July 22, 1983

Passed the House as amended by Conference Committee Report July 25, 1983

Act No. 83-684

H. 258—Rep. Junkins

AN ACT

To alter or rearrange the boundary lines of the Town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the boundary lines of the Town of Cedar Bluff, Alabama, Cherokee County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Cedar Bluff and in addition thereto the following described territory, to-wit:

The Southeast Quarter of the Southeast Quarter of Section 30; the West Half of Section 31; the Northeast Quarter of Section 31; all in Township 9 South, Range 10 East; and, the Northeast Quarter of Section 36 in Township 9 South, Range 9 East.

There is excepted from all the above described lands that portion of said lands which lie below that certain datum plane of 565 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January 1955.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-685

H. 328—Rep. Moore

AN ACT

Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation and expense allowances now being paid, the Shelby County Coroner shall receive an expense allowance of (\$5,000) five thousand dollars per annum payable from the county treasury in equal monthly installments. Because of the increased death rate in the county in recent years, the

coroner is hereby authorized and empowered to appoint a deputy coroner at a salary of (\$100) one hundred dollars per month with an expense allowance of (\$100) one hundred dollars per month with such salary and expenses payable from the county treasury. Such deputy coroner shall have the same qualifications as the coroner and shall serve under the supervision of the coroner and subject to the coroner's procedures for conducting death investigations. Said deputy coroner may be dismissed from service by the county commission for violations of such procedures or acts of misconduct.

Section 2. This act is supplemental and shall be construed in pari materia with all laws local or general pertaining to the office of coroner in Shelby County, Alabama. However, all laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-686

H. 443—Rep. Moore

AN ACT

Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. The Shelby County Commission or other like governing body of Shelby County, Alabama, is hereby authorized and empowered to promulgate and implement such rules and regulations, including but not limited to advance permit requirements, as it deems necessary and in the best interests of the public for the adequate control and accommodation of any outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County. Such rules, regulations and requirements shall be enforced by the sheriff of Shelby County. The Shelby County Commission or like governing body of Shelby County, Alabama, shall have the right to charge and collect permit fees and charges for such outdoor musical concerts and outdoor entertainment productions above referred to and shall have the right

and power to establish a fee or charge schedule therefor.

Section 2. Any person, firm, partnership, corporation, association or other business entity that violates any rule, regulation or requirement authorized under Section 1 of this act shall be guilty of a Class A misdemeanor and upon conviction shall be fined and imprisoned as prescribed by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-687

H. 482—Reps. Penry, McMillan, Blakeney

AN ACT

Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, all motor vehicle wreckers shall be placed upon a rotation system to be devised by the Alabama State Department of Public Safety to be used in calling wreckers to the scene of motor vehicle wrecks or where a motor vehicle is disable. Provided, however, that the provisions of this act shall not be applicable to any municipality which has an ordinance or which enacts an ordinance contrary to the provisions herein.

Section 2. A request system shall be used in cases where the owner or operator of the motor vehicle expresses a preference for a particular wrecker, but in cases where no preference is expressed or where the owner/operator is unconscious or otherwise unable to communicate, the trooper or other law enforcement officer shall call the wrecker at the top of the rotation list.

Section 3. Wreckers shall not go to the scene of a wreck un-

solicited; nor while en route to a wreck, shall they speed or drive recklessly. They shall not jam up the scene of a wreck, nor shall they solicit wreck victims on the scene.

Section 4. There shall be a time limit set for how long a rotation wrecker may take in getting to the scene of a wreck. Any wrecker company which is consistently tardy in reporting to the wreck scene when summoned shall be removed from the rotation list.

Section 5. State troopers or other law enforcement officers are forbidden to show any favoritism whatsoever in calling wreckers.

Section 6. Wreckers on the rotation list must meet the criteria set by the Alabama State Department of Public Safety.

Section 7. Any person who violates any provision of this act or any rule or regulation of the Alabama State Department of Public Safety promulgated hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed by law.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-688

H. 513—Rep. Smith

AN ACT

To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chilton County Commission or other like county governing body is hereby authorized to provide for printing and furnishing to the judge of probate or other officer charged with the duty of issuing privilege licenses in the county, brochures, bulletins or signs of a type suitable for posting in business establishments within said county. Such brochures, bulletins or signs shall inform the public that:

1. It is unlawful to dump, deposit, place, throw or leave refuse, paper, litter, rubbish, debris, filthy or odoriferous objects, substances, or other trash upon a state or county highway, road or other public thoroughfare; and any person convicted thereof is punishable by fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than five nor more than ninety days, or by both such fine and imprisonment.

2. It is unlawful to place, put, throw, leave, or dump garbage, refuse, trash, bottles, broken glass, tin cans, or other debris of any kind or character whatsoever upon lands or property owned by any person other than himself or his employer without having obtained written permission from the owner or person in possession thereof; and any person convicted thereof shall be fined not more than five hundred dollars or sentenced to hard labor for the county for not more than six months or both, in the discretion of the court.

3. It is unlawful in Chilton County to place, put, throw, leave, or dump garbage, refuse, trash, bottles, broken glass, tin cans, or other debris of any kind or character whatsoever upon the shore or beach or edge of any public or private lake or river or stream in Chilton County; and any person convicted thereof shall be fined not more than five hundred dollars or sentenced to hard labor for the county for not more than six months or both in the discretion of the court, and ordered to clean the beach, shore or other area.

Section 2. The judge of probate or other officer charged with the duty of issuing privilege licenses in Chilton County may deliver with the privilege license that he issues a copy of such brochures, bulletins or signs for each place of business for which a license is issued and an urgent plea to the public to heed such laws and make every effort to maintain Chilton County's natural beauty by eliminating unsightly and unhealthy litter.

Section 3. Mail or other personal items bearing the name or address of the recipient or former owner thereof among refuse, garbage, waste paper, trash, litter or other debris unlawfully placed, thrown, left or dumped within Chilton County shall constitute prima facie evidence that the person whose name or address appears

on said mail or other personal item unlawfully place, put, thrown, left, dumped or deposited said refuse, garbage, waste paper, trash, litter or other debris and any person, law enforcement officer, or member of the Chilton County Health Department shall have the authority to seek prosecution against such person based on such prima facie evidence.

Section 4. The Chilton County Commission or other like county governing body may, at its discretion by resolution, establish an agency, or appoint personnel, or both, for the primary purpose of enforcing littering laws, and all laws relating to littering in Chilton County, and such agency, or personnel, or both, shall be empowered with the authority of peace officers as defined by state law for the purpose of enforcing such laws.

Section 5. The Chilton County Health Department may, at its discretion, enforce littering laws, and other laws relating to littering in Chilton County, in addition to health laws and regulations governing the control and disposal of solid waste in Chilton County, and shall be empowered with the authority of peace officers as defined by state law for the purpose of enforcing such laws.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws relative to littering; however, any law which conflicts specifically herewith is hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-689

H. 554—Rep. Newman

AN ACT

Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lamar County Commission shall devote their full time to the business of said commission, effective upon the next term of office of any of said members.

Section 2. The members of the Lamar County Commission shall receive an additional expense allowance of \$3,200.00 annually to be paid in equal monthly installments out of any funds of the county as may be available for such purposes. Such expense allowance shall be in addition to any and all other salary, compensation and expense allowance now provided by law for the members of the Lamar County Commission, and shall be paid retroactively from January 1, 1983. The expense allowance herein provided shall terminate automatically upon the next term of office.

Section 3. Effective with the next term of office, the members of the county commission by law shall each receive a total annual salary of \$20,000.00, which shall constitute the total compensation for such members, in lieu of all compensation, expense allowances or other compensation therefor provided by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of law which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective retroactively to January 1, 1983.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-690

H. 655—Rep. Bowling

AN ACT

To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Good Hope, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Good Hope, Alabama, and in

addition thereto the following described territory, to-wit:

TRACT I

The Northeast Quarter of Southeast Quarter of Section 33, Township 10 South range 3 West. Containing 40 acres.

TRACT II

The West Half of the Southwest Quarter of Section 34, Township 10 South, range 3 West. Containing 80 acres.

TRACT III

The Northwest Quarter of the Northwest Quarter of Section 3 of Township 11 South and 3 West. Containing 40 acres.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-691

H. 677—Reps. Venable, Grouby

AN ACT

Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. Elmore County shall supplement the compensation of the county coroner in the form of an expense allowance and a 20-cent per mile mileage allowance, so that the total compensation including fees paid pursuant to general law to the coroner shall total \$200.00 per month. If fees paid pursuant to general law exceed \$200.00 in any month, the county shall not pay any additional compensation for that month and the additional compensation paid by the county in subsequent months shall be adjusted so that the coroner shall not receive over an average of \$200.00 per month in total compensation and fees. Said compensation shall be in lieu of all other compensation, expense allowances, mileage allowance or other emolument provided by local law. Said additional compensation shall be paid out of the county general fund and in the same manner as other county officers are compensated.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any

part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-692

H. 692—Rep. Blakeney

AN ACT

To authorize the establishment of branch banks in Clarke County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, which is established in Clarke County, shall have the power to establish, to maintain and to operate within the same city or town or within other communities, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the state superintendent of banks or the comptroller of the currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-693

H. 707—Rep. Blakeney

AN ACT

Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, the

Clarke County Commissioners shall serve full time as such officers. The provisions of this section shall in no way affect the office or duties of the Judge of Probate of Clarke County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-694

H. 729—Rep. Harvey

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hayden in Blount County are hereby altered, rearranging and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 21, Township 13 South, Range 2 West.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-695

H. 753—Rep. Newman

AN ACT

Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

WHEREAS, the county governing body of both Fayette and Lamar Counties recognize the importance of having a district legislative delegation office within easy access of all its citizens and that such office will be a public service for all the people and the legislature in understanding their wishes in public matters; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing bodies of Fayette and Lamar counties shall both pay \$125 per month expense allowance, from their respective county treasuries, to the district house member representing such counties, who shall maintain and account for a separate bank account for the purposes of establishing, maintaining and operating a district legislative delegation office for such counties.

Section 2. Such expense allowance may be expended on any and all necessary expenses related to establishing, maintaining and operating such delegation office.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-696

H. 803—Reps. Poole, Manley

AN ACT

Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Hale County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county

revenue commissioner in Hale County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected at an election called for the purpose and every six years thereafter. He shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as securities thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to

charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of his office, the Revenue Commissioner will receive a salary of not less than \$20,000.00 and not more than \$30,000.00, payable in twelve equal monthly installments, with the exact amount to be set by resolution of the Hale County Commission prior to the Revenue Commissioner taking office. If no action is taken by the Hale County Commission before the Revenue Commissioner takes office at each term, his salary will be \$20,000.00.

Section 7. The officers of tax assessor and tax collector of Hale County are hereby abolished effective on the first day of the term to which he is elected, or on such earlier date as is prescribed in Section 1 hereof if vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Hale County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act shall become operative in Hale County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election. Said election may be concurrent with a valid election held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

Shall Act No. _____ of the _____ Session of the Legislature (here insert the number of this act) which provides for the abolition of the offices of tax assessor and tax collector of Hale County and the consolidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved?
 ____ Yes. ____ No.

If a majority of the votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Hale County. Such notice shall be published once

a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified. Provided, however, that at any constitutional election in the county held simultaneously with the election called for the purposes of this act shall be sufficient for the local election if the constitutional amendment authorizing the establishment of a consolidated and unified system of assessment and collection of taxes and abolishing the offices of tax assessor and tax collector, is favorable in Hale County.

Section 12. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Hale County voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Hale County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 13. If the office of tax assessor or tax collector should become vacant between the time of ratification of this act by the electors of Hale County and, the expiration of the term of office of either the tax assessor or tax collector, this act shall become effective immediately.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-697

H. 805—Reps. Payne, Lewis, White (L), Bennett, Preuitt, Johnson (R.G.), Biddle, Hall, Rice, Poole, Boles, Mitchell, Starkey, Cosby, Starr, Wilson, Raines, Laird, Grouby, Box, Faulk, Kvalheim, Gaston, Dutton, Freeman, Murphy, Zoghby, Harper, Drinkard, Coleman, Butler, Rogers, Escott, Trammell, Waggoner, Hettinger, Moore, Adams, Layton, Grimsley, Mathis, Ashley, Stout, Johnson (Roy), Parker, Smith, Scott, Goodwin, Brooks, Junkins, Turner, White (F), Penry, Hammett, Brakefield, Harvey, Lauderdale

AN ACT

To exempt the 34th National Square Dance Convention from payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The 34th National Square Dance Convention is hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-698

H. 817—Reps. Parker, Martin, Dutton

AN ACT

Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, any bank, whether incorporated or unincorporated, within this state authorized to engage in the banking business and having an office or place of business within said county shall have the power to establish, maintain, and operate within the corporate limits of Flint, Alabama, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks, the Federal Depository Insurance Corporation, or the Comptroller of the United States Currency.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-699

H. 827—Rep. Owens

AN ACT

Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education shall be entitled to an expense allowance in an amount of \$100.00 per month. Such allowance shall be in addition to all other expense allowances provided by law and shall be payable from public school funds of the county on the last day of each month.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-700

H. 828—Rep. Owens

AN ACT

Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119) is hereby amended to read as follows:

“Section 1. The fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in section 13A-11-75, Code of Alabama 1975, shall be ten dollars, which shall be collected by the sheriff of Bibb County.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-701

H. 836—Rep. Reed

AN ACT

Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Macon County shall be included and shall be permitted to participate in the county insurance program. Said premiums will be paid from the County General Fund as all other County employees.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall have retroactive effect to January 1, 1983.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-702

H. 837—Rep. Reed

AN ACT

Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Macon County is authorized and directed to pay to the circuit clerk in Macon County an expense allowance in the amount of \$7,200 per annum, payable in equal monthly installments from the county general fund. Such expense allowance shall be in addition to all compensation or allowances heretofore payable to such officer and said funds are to be used at the discretion of the circuit clerk.

Section 2. This act shall have retroactive effect to January 1,

1983.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-703

H. 838—Rep. Reed

AN ACT

Relating to Macon County; providing for an expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Macon County shall be entitled to receive an additional expense allowance in the amount of \$300.00 per month paid from the county general fund. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances provided for by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-704

H. 841—Rep. Newman

AN ACT

Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary and expense allowance as may be fixed by law, the Fayette County board of education shall reimburse the reasonable travel and subsistence expense which the county superintendent of Fayette County incurs in the performance of the duties of such office and in attending educational functions and meetings within and outside the county and state.

Section 2. The board shall fix the maximum amount to be expended for such travel and subsistence expense annually, the same to be paid upon claim filed by the superintendent out of any funds as may be available for such purpose.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300) is specifically repealed.

Section 4. The provisions of this act shall become effective July 1, 1983.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-705

H. 849—Rep. Browder

AN ACT

Relating to Calhoun County; authorizing the county commission to levy an additional $\frac{1}{2}\text{¢}$ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Calhoun County.

Section 2. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, providing for the levy of a $\frac{1}{2}\text{¢}$ state sales tax shall, wherever used in this act have the same meanings respectively ascribed to them in said sections, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning.

“State sales tax statutes” means Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections, which expressly set forth any exemptions from the computation of the tax levied by said sections and all other statutes which expressly apply to, or purport to effect, the administration of said sections and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"Month" means the calendar month; and

"County" means Calhoun County.

Section 3. The county commission is hereby authorized to levy, in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county $\frac{1}{2}$ ¢ privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 4. The $\frac{1}{2}$ ¢ sales taxes authorized to be levied in Section 3 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. All taxes levied in this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax. On or prior to the due dates of the tax herein levied each person subject to such tax shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and gross receipts of all such business transactions. Such report shall also include such other items of information pertinent to the said tax and the amount thereof as the state department of revenue may require. Any person subject to the tax levied may defer reporting credit sale until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the Calhoun County Commission, or its designated agent, at reasonable times during business hours.

Section 5. Each person engaging or continuing within Calhoun County in a business subject to the tax levied in Section 3 of this act, shall add to the sales price or admission fee and collect

from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said sale or admission. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. The tax imposed by this act shall constitute a debt due Calhoun County and may be collected as provided by law. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to enforcement of liens for license taxes due this state shall apply fully to the collection of the tax herein levied, and the state department of revenue, for the use and benefit of Calhoun County shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for Calhoun County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, penalties for failure to pay the tax, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 of this act shall apply to the county tax levied under this act. The state commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed on such commissioner and department, respectively, by the state tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and enforcement of this act are hereby incorporated herein by reference

and made a part hereof as if fully set forth herein.

Section 8 The state department of revenue shall charge Calhoun County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the Calhoun County Commission, but such charge shall not, in any event, exceed ten per cent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Calhoun County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Calhoun County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Calhoun County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Calhoun County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. He shall then deliver to the Calhoun County Commission the balance remaining, to be used at the discretion of the county commission.

Section 9. The provisions of Sections 1 through 8 shall become operative only if this act is approved by a majority of the qualified electors residing within the county gross receipts tax area, as hereinabove defined, voting at a referendum election held for such purpose. The election shall be held in the same manner as elections on amendments to the Constitution, to be held on the date of the general or primary election next succeeding the final adjournment of the current session of the legislature. Notice of the election shall be given by the judge of probate of Calhoun County, which notice shall be published once a week for three successive weeks before the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law levying an additional $\frac{1}{2}\%$ sales tax in your area, the proceeds of which will be used at the discretion of the county commission for public projects? Yes () No ()."

If a majority of the votes cast are in the affirmative, then the substantive provisions of this act shall become effective on the first day of the next month following the election. If a majority of the votes cast are in the negative, this act shall have no further force and effect. The judge of probate shall certify the results of the election to the state commissioner of revenue immediately after the returns have been made.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-706

H. 857—Reps. Poole, Mitchell

AN ACT

To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of ten cents per acre to be paid by the owners of forest lands located in Pickens County, Alabama, for the use of land for timber growing purposes.

(b) "Forest Lands" as used in this Act shall mean any land which supports a forest growth or which under prevailing natural and economic conditions may be expected to support a growth in the future or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Pickens County, Alabama, at the time fixed by law for making re-

turn of the property of such property owned. Finance charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such finance charge or tax.

Section 3. The Tax Assessor of Pickens County is authorized after notice by regular mail to owners and hearing before the county governing body, upon request by the owners, to place said finance charge or tax against the said forest lands as determined by the county governing body.

Section 4. The tax herein imposed shall be paid to the County Treasurer of Pickens County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Pickens County.

Section 5. The County governing body shall call for a referendum on the levy of tax herein provided at the next special or general election in the county. Such referendum election shall be called and held in accordance with the laws governing such elections. If a majority of the qualified electors vote for approval of such tax, it shall be levied and collected as herein provided; if a majority of the qualified electors vote against such proposal then the provisions of this Act shall become null and void.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-707

H. 859—Reps. Clark, Buskey

AN ACT

Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as past amended, are hereby amended to read as follows:

“SECTION XII. Any employee of the City of Prichard who has

been in the service thereof for as long as twenty five (25) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability be retired from service of the City of Prichard and upon such retirement the said Council shall direct the payment to said retiring employee, if he or she be fifty five (55) years of age or more, monthly from such fund, a sum equal to fifty five percent (55%) of the monthly compensation received by such employee as salary or other compensation at the time of his or her retirement, or an amount equal to fifty-five percent (55%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater, multiplied by the percentages applicable from the table below:

<u>"Years Service</u>	<u>Percentage</u>
25	55
26	56
27	57
28	58
29	59
30	60

"Provided that the percentage shall increase 1% for each year of service over 30 years. Any employee of the City of Prichard who has been in the service thereof for as long as thirty (30) years or longer, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability, be retired from service from such city and upon such retirement, the said Council shall direct the payment to such retiring employee if he or she be fifty five (55) years of age or more, monthly from such fund, a sum equal to sixty percent (60%) of the monthly compensation received by such employee as salary or compensation at the time of his or her retirement, or an amount equal to sixty percent (60%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater.

"If the employee should not be age fifty five (55), however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching the age of fifty five (55) shall commence at such earlier date as the employee may elect. In the event of such election of the commencement of his or her pension by any employee before age fifty five (55), as above, the amount of the pension to which he or she then becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty five (55). The

said actuarially equivalent pension shall reflect the loss of interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the City Council of the City of Prichard, Alabama, using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the pension fund as of the date of any such election by an employee.

“With regard to any years of service prior to a break in service of the employee, which are included in the computation of the total service of an employee under the terms of this section, on account of which years the employee had withdrawn the one-half ($\frac{1}{2}$) of his own contributions to which he would have been entitled under SECTION XXI hereof, no such years will be credited to the employee in the computation of his or her pension until he or she has repaid to the fund the amount of his or her contributions previously withdrawn, plus compound interest at four percent (4%) per annum, from the date of the withdrawal to the date of his or her retirement.

“At the time an across-the-board raise is given to the City employee of the City of Prichard, future retirees shall be entitled to fifty percent (50%) of the raise given to active city employees.

“Whenever an active employee of the City of Prichard, or a former employee of the City of Prichard retired under the terms of this Act shall die while so employed or enjoying the benefits of such pension, there shall be appropriated and paid from the fund the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00) for funeral and burial expenses of such decedent, which such sum shall be used for funeral and burial expenses and paid out on order of the head of the department of which such decedent was a member, or on order of the City Council of the City of Prichard, Alabama.

“SECTION XXII. Whenever any person who contributes to the fund provided for by this act shall leave the service for any reason he or she will be entitled to the return of all monies contributed by him or her to such fund, but without interest.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

AN ACT

Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. This act relates to the distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes and received by Marshall County. Effective for the 1983-84 state fiscal year only, there shall be a one-time allocation and appropriation of \$120,000.00 from said Tennessee Valley Authority funds to be distributed as follows: To the Marshall County hospital board, \$93,000.00, of which amount 13% shall be allocated to the City of Albertville for ambulance use; 27% shall be allocated to Arab for ambulance use; and 60% shall be allocated to the Marshall County Hospital Board for ambulance use. The remaining \$27,000.00 of said \$120,000.00, shall be allocated to the Marshall County Attention Home.

Section 2. The first 25% percent of the total amount of said Tennessee Valley Authority funds distributed to Marshall County shall be allocated for education in Marshall County without proration.

Section 3. Subsequent to the 1983-84 state fiscal year, said Tennessee Valley Authority funds shall be allocated and distributed in the manner in which the funds were allocated and distributed prior to the 1983-84 state fiscal year.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-709

H. 861—Reps. Coleman, Rains

AN ACT

To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Marshall County is authorized, when the need exists, to provide protection of forests from fires, insects, disease and other pests in Marshall County by participating in the Alabama Forestry Commission's forest protection program in the manner hereinafter specified.

Section 2. (a) After the Marshall County Commission has determined that such a need does exist in Marshall County, the County Commission may, in the manner hereinafter specified, provide for a financial charge to be paid by the owners of forest lands located in Marshall County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such forest protection program, but not in excess of ten cents per acre, provided such financial charge is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth. "Forest lands" as used in this Act shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

(c) The financial charge fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Marshall County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges levied shall constitute a lien on the property against which they are charged in case of default in the payment of such financial charge.

Section 3. The county governing body of Marshall County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Marshall County, to determine the area and owners thereof, and report the same to the Tax Assessor of Marshall County who shall be authorized, after notice by mail to such owners, and hearing before the county governing body, if so requested by such owners, to place said financial charge against the said forest lands as may be determined by the report of such agents or the determination of said county governing body. It shall be the responsibility of the Tax Assessor of Marshall County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The financial charge herein imposed shall be due and payable to the Tax Collector of Marshall County, and shall, when collected, be paid to the Treasurer of Marshall County. All monies collected in accordance with this Act shall be spent in partic-

ipating in the Alabama Forestry Commission's forest protection program in Marshall County.

Section 5. The County Commission of Marshall County is authorized to remove such financial charge after said County Commission has determined that the financial charge is no longer needed. The County Commission shall hold public hearings to determine whether or not the financial charge is still needed. Procedures for such public hearing shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-710

H. 874—Rep. Moore

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

The following described property, which is not already in the City Limits of the City of Columbiana, Alabama: Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, and 34, 35 and 36, Township 21 South, Range 1 West; Sections 1, 2, 3, 4, 9, 10, 11, and 12, Township 22 South Range 1 West; Sections 18, 19, 30, and 31 Township 21 South, Range 1 East; Sections 6 and 7 Township 22 South. Range 1 East: All in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the

City of Columbiana, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1983 Regular Session of the Legislature, or next Special Session which may be called, which alters, rearranges and extends the corporate limits of the City of Columbiana, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Columbiana shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 4. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-711

H. 885—Rep. Poole

AN ACT

To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of ten cents per acre to be paid by the owners of forest lands located in Hale County, Alabama for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Hale County.

Section 3. The county governing body shall call for a referendum on the levy of tax herein provided at the next special or general election in the county. Such referendum election shall be called and held in accordance with the laws governing such elections. If a majority of the qualified electors vote for approval of such tax, it shall be levied and collected as herein provided; if a majority of the qualified electors vote against such proposal then the provisions of this act shall become null and void.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-712

H. 890—Reps. Carothers, Mathis, Grimsley

AN ACT

Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Houston County board of education shall be entitled to an expense allowance of \$300.00 per month. Said expense allowance shall be in lieu of any other expense

allowance, salary or other compensation, other than that provided by the Code of Alabama 1975. Said expense allowance shall be payable from the public school funds of the county at the end of each month.

Section 2. Act No. 874, H. 1542, 1971 Regular Session (Acts 1971, p. 1634), and all other laws or parts of laws in conflict herewith are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-713

H. 904—Rep. Manley

AN ACT

Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Marengo County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Marengo County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected at an election called for the purpose and every six years thereafter. He shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the

making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the Marengo County Commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the Marengo County Commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the Marengo County Commission.

Section 5. The Marengo County Commission shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of his office, the Revenue Commissioner will receive a salary of not less than \$30,000.00 and not more than \$48,000.00, payable in twelve equal monthly installments, with the exact amount to be set by resolution of the Marengo County Commission prior to the Revenue Commissioner taking office. If no action is taken by the Marengo County Commission before the Revenue Commissioner takes office at each term, his salary will be \$30,000.00.

Section 7. The offices of tax assessor and tax collector of Marengo County are hereby abolished effective on the first day of the term to which the County Revenue Commissioner is elected, or on such earlier date as is prescribed in Section 1 hereof if vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue

and promote the public convenience in Marengo County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act shall become operative in Marengo County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election. Said election may be concurrent with a valid election held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

“Shall Act No. of the 1983 Regular Session of the Legislature which provides for the abolition of the offices of tax assessor and tax collector of Marengo County and the consolidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved?” Yes. No.

If a majority of the votes cast at such election are “Yes” votes, then this act shall become effective as provided above. If a majority of the votes cast are “No” votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Marengo County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified. Provided, however, that at any constitutional election in the county held simultaneously with the election called for the purposes of this act shall be sufficient for the local election if the constitutional amendment authorizing the establishment of a consolidated and unified system of assessment and collection of taxes and abolishing the offices of tax assessor and tax collector, is favorable in Marengo County.

Section 12. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Marengo County voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Marengo County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 13. If the office of tax assessor or tax collector should become vacant between the time of ratification of this act by the electors of Marengo County and the expiration of the term of office of either the tax assessor or tax collector, this act shall become effective immediately.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-714

H. 916—Reps. Moore, Murphy, Smith
AN ACT

Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, notwithstanding any law, rule or regulation to the contrary, outside the corporate limits of any municipality within the county, no license shall be issued for the retail sale of alcoholic beverages to any person, firm, partnership or corporation which sells alcoholic beverages at retail at any establishment which is located within five miles of an existing retail licensee of alcoholic beverages, on the effective date of this Act. The distance between retail licensees of alcoholic beverages shall be not less than five miles.

Section 2. It is provided further that licensees which have retail establishments existing as of the effective date of this act shall be exempt from the provisions of this act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-715

H.J.R. 342—Rep. Smith

HOUSE JOINT RESOLUTION

COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

WHEREAS, a new school attendance record-keeping format

has been designed by members of the State Department of Education and was piloted during the past school term in the Dallas County public schools; and

WHEREAS, the new system, represents a major advance that will be of direct benefit to teachers, principals and students statewide; and

WHEREAS, the teacher attendance record, as designed, will drastically decrease the man hours required, statewide, over a nine-month school year which is now estimated at some 340,000 hours; the size of the computerized register will total some 12 pages, as opposed to 120, thereby saving an estimated \$35,000 in printing costs alone, not including shipping charges which of course will be an additional and sizeable savings for the State; and

WHEREAS, in addition to its monetary benefit, the new system—a joint effort of State Superintendent Dr. Wayne Teague, the Department of Education and the Division of Administration and Financial Services—the system as now designed will allow teachers to devote more time to their teaching duties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend State Superintendent Dr. Wayne Teague, the State Department of Education and the Division of Administration and Financial Services for the notable accomplishment of their revised attendance record format; we further congratulate them on this advancement of major benefit to the entire public school system, and direct that a copy of this resolution be forwarded to the Department in expression of our sincere praise.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-716

H.J.R. 345—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUTSTANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Mr. William C. Ratliff, Jr., of Birmingham, Alabama, as the recipient of the Southern Region's 1983 "Outstanding Handicapped Postal Employee of the Year" award; and

WHEREAS, a Birmingham native, Mr. Ratliff is assigned to Birmingham's Avondale Station, and is a 12-year veteran with the United States Postal Service, employed as a letter carrier; and

WHEREAS, just 30 days following a hunting accident in 1979 which necessitated the amputation of a leg, Mr. Ratliff returned to light duty assignment for a period of ten weeks before resuming his regular carrier route; and

WHEREAS, despite his handicap, Mr. Ratliff has maintained an extraordinary work record which contains two letters of commendation from the postmaster—one for outstanding service and an additional letter of recognition and credit for saving the life of an injured hemophiliac; and

WHEREAS, Mr. Ratliff is a veteran of the United States Army with combat duty in Vietnam and was awarded the Soldier's Medal for heroism, also for saving another's life; and

WHEREAS, in community service, Mr. Ratliff is actively involved with coaching little league football, girl's basketball and women's softball, as well as in numerous other areas of community concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. William C. Ratliff, Jr., of Birmingham, Alabama, as the Southern Region's "Outstanding Handicapped Postal Employee of the Year" for 1983; we further stand in tribute to his acts of heroism and bravery beyond the call of duty and direct that he receive a copy of this resolution in small token of our highest admiration and regard.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-717

H.J.R. 373—Rep. Kennedy

HOUSE JOINT RESOLUTION

COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

WHEREAS, established in 1820, the State Street African Methodist Episcopal Zion Church of Mobile, Alabama, continues to build its future on its glorious heritage; and

WHEREAS, the Church's 163rd Anniversary Celebration was

observed during the week of June 17-24, 1983, beginning with a Family and Friends Banquet, continuing with a special Anniversary Celebration and culminating in a series of Worship Services; and

WHEREAS, the State Street AME Zion Church is an imposing structure which was built in 1854 to the Glory of God, replacing the former church which was destroyed by fire, it stands as a monument to the faith of its founders, its congregations, its ministers and other notable leaders from past through present time; and

WHEREAS, its current minister is the Reverend William Lloyd Burton, Jr., who is the 29th in a long roster of illustrious pastors who have filled the pulpit and tended the flocks of State Street AME Zion Church; and

WHEREAS, registered as a significant landmark by the Alabama Historical Commission in 1977, State Street AME Zion Church is indeed a part of our state's history and heritage and is a beacon of light which has shone brightly for more than one and one-half centuries; and

WHEREAS, joining in celebration, and with words to reaffirm faith through future service, were Senior and Presiding Bishop and Mrs. William M. Smith; the Reverend Thomas G. Gill, Presiding Elder, West Alabama Conference; and numerous others who sent greetings and messages on this auspicious occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the State Street African Methodist Episcopal Zion Church of Mobile, Alabama, on the occasion of the 163rd Anniversary of its founding and direct that copies of this resolution be provided for appropriate church display and for distribution to the Minister and leaders of the State Street AME Zion Church.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-718

H.J.R. 455—Reps. White (L.), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers,

Carter, Casey, Clark,
 Clikas, Coburn, Coleman,
 Cosby, Crow, Davis,
 Drake, Drinkard, Dutton,
 Escott, Faulk, Flowers,
 Ford, Freeman, Gaston,
 Goodwin, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harvey,
 Hettinger, Holley,
 Holmes, Horn, Howard,
 Johnson (A.L.), Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F.), Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE REPRESENTATIVE
 NOLAN WILLIAMS OF NEWTON.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference, a 16-member geographical entity of the Council of State Governments, was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of

SLC with the placement of three of our colleagues in influential office; and

WHEREAS, Representative Nolan Williams of Newton was elected vice chairman of the Committee on Human Resources and Urban Affairs, one of SLC's standing committees established to address the most critical issues in state government today; and

WHEREAS, also elected to leadership roles were Representative Rick Manley as conference vice chairman, and Representative Bobby C. Crow who will serve as vice chairman of the Consumer Protection Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Nolan Williams of Newton.

BE IT FURTHER RESOLVED, That Representative Williams be presented with a copy of this resolution, in token of our friendship, but most particularly in expression of our personal pleasure in his accomplishment.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-719

H.J.R. 456—Reps. Waggoner, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.),

Johnson (R.G.), Johnson
(Roy), Junkins,
Kennedy, Kvalheim,
Laird, Langford,
Lauderdale, Layton,
Lewis, McKee,
McMillan, Manley,
Martin, Mathis, Melton,
Minus, Mitchell, Moore,
Murphy, Nevett,
Newman, Nicholson,
Owens, Parker, Payne,
Penry, Poole, Preuitt,
Rains, Reed, Rice,
Richardson, Rogers,
Sasser, Scott, Seibels,
Smith, Starkey, Starr,
Stout, Thomas,
Thornton, Trammell,
Tucker, Turner,
Turnham, Venable,
Warren, White (F.),
White (L.), Williams,
Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

WHEREAS, The Alabama Legislature notes that Jean Elkins Chenault, a native of Florence, Alabama, has in her responsibilities as welcome center hostess, Ardmore Welcome Center manager, Montgomery-Capitol Complex Welcome Center Manager and Tourist Information Regional Supervisor-Montgomery, with the Bureau of Publicity and Information since 1977, travelled throughout the State of Alabama and to other states, and has represented the State of Alabama and its attractions in an enthusiastic, dedicated, articulate and professional manner before hundreds of visitors; and

WHEREAS, Jean Elkins Chenault has zealously given her time and talents to many civic, religious and charitable endeavors for the betterment of her community; and

WHEREAS, Jean Elkins Chenault has earned many recognitions and commendations for her many contributions; and

WHEREAS, Jean Elkins Chenault will leave state service to return to Florence, Alabama, in the near future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jean Elkins Chenault for her outstanding and dedicated state service and congratulate her on her many achievements.

RESOLVED FURTHER, That a copy of this resolution be sent to Jean Elkins Chenault so that she may know of our congratulations and best wishes for her future endeavors.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-720

H. 534—Rep. Cosby

AN ACT

To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-1, Alabama Code, 1975, as amended, is further amended to read as follows:

(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

(1) **PERSON or COMPANY.** Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) **DEPARTMENT.** The department of revenue of the state of Alabama.

(3) **COMMISSIONER.** The commissioner of revenue of the state of Alabama.

(4) **TAX YEAR or TAXABLE YEAR.** The calendar year.

(5) **SALE or SALES.** Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(6) **GROSS PROCEEDS OF SALES.** The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character

without any deduction on account of the cost of the property sold, the cost of the materials used, labor or services cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn or used from the business or stock by such person for the personal and private use or consumption, without transfer of title, in connection with the business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn from the business or stock for the personal and private use or consumption without transfer of title, by the person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama.

(7) **TAXPAYER.** Any person liable for taxes hereunder.

(8) **GROSS RECEIPTS.** The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn or used from the business or stock by such person for the personal and private use or consumption, without transfer of title, (in connection with the business, and shall also mean and include the reasonable and fair market value of any tangible personal property purchased at wholesale by a person engaged in the business of

selling at retail tangible personal property which is withdrawn from the business or stock for the personal and private use or consumption, without transfer of title,) by the person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama.

(9) **WHOLESALE SALE or SALE AT WHOLESALE.** Any one of the following:

a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise

supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may be recovered for reuse;

i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

(10) **SALE AT RETAIL or RETAIL SALE.** All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry op-

erators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property from the business or stock for the personal and private use or consumption, without transfer of title, in connection with the business or by the person so withdrawing, using or consuming the same, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama; and such wholesale purchaser shall report and pay the taxes thereon.

(11) **BUSINESS.** All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(12) **AUTOMOBILE VEHICLE.** A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsec-

tion shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue, and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside the state of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. Such licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sale tax, and the supplier shall be responsible for collecting such sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists.

Section 2. This Act does not constitute a change in, but is declaratory of, the pre-existing law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 2:45 P.M.

Act No. 83-721

H. 535—Rep. Cosby

AN ACT

To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-60, Alabama Code, 1975, is amended to read as follows:

For the purpose of this article, the following terms shall have the respective meanings ascribed to them in this section:

(1) **PERSON or COMPANY.** Any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) **DEPARTMENT.** The department of revenue of the state of Alabama.

(3) **COMMISSIONER.** The commissioner of revenue of the state of Alabama.

(4) **WHOLESALE SALE or SALE AT WHOLESALE.** Any one of the following:

a. A sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

i. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

j. A purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person;

k. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in moulding or forming weiners and Vienna sausages, even though such casings may be recovered for reuse.

(5) SALE AT RETAIL or RETAIL SALE. All sales of tangible

personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property from the business or stock for the personal and private use or consumption, without transfer of title, in connection with the business or by the person so withdrawing, using or consuming the same, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama; and such wholesale purchaser shall report and pay the taxes thereon. The term "retail sale" or "sale at retail" shall also mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

(6) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(7) **STORAGE.** Any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

(8) **USE.** The exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

(9) **PURCHASE.** Acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

(10) **SALES PRICE.** The total amount for which tangible personal property is sold, including any services, including transportation, that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

(11) **IN THIS STATE or IN THE STATE.** Within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

(12) **AUTOMOTIVE VEHICLE.** A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

Section 2. This Act does not constitute a change in, but is declaratory of, the pre-existing law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1983

Time: 2:45 P.M.

Act No. 83-722

H. 252—Rep. Campbell

AN ACT

To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from \$2.00 to \$4.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-4, Code of Alabama 1975, is hereby amended to read as follows:

"32-7-4. The director shall upon request furnish any person an abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicle, if any, registered in the name of such person, and, if there shall be no record of any convictions of such person of violating any law relating to the operation of a motor vehicle or any injury or damage caused by such person, the director shall so certify. The director shall collect for such abstract the sum of \$4.00.

Section 2. This act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-723

H. 260—Rep. Holley

AN ACT

To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-50, Code of Alabama 1975 is hereby amended as follows:

"§40-23-50. Tax Levied; collection and enforcement.

(a) There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected, as herein provided, a privilege or license tax against the person on account of the busi-

ness activities engaged in and in the amount to be determined by the application of rates against gross receipts, as follows:

Upon every person, firm or corporation engaged or continuing within this state in the business of contracting to construct, reconstruct or build any public highway, road, bridge or street, an amount equal to five percent of the gross receipts derived from performance of such contracts. The term "gross receipts" is herein defined to include only those amounts derived and received by the contractor from the performance of such contracts.

(b) The proceeds of the taxes levied by this section, after deduction of the cost of administration and collection of such taxes, shall be distributed as follows:

(1) Fifteen percent of the residue remaining after deduction of the cost of administration and collection shall be paid into the state treasury and shall be credited to the pensions and security trust fund to be used for general welfare, purposes, and

(2) Eighty-five percent of the residue remaining after deduction of the cost of administration and collection shall be paid into the state treasury and shall be credited to the Alabama special mental health fund to be used for mental health purposes.

(c) The taxes imposed pursuant to this section shall constitute a debt due the state and may be collected by civil action, in addition to all other methods provided by law and in this section. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to pay said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes levied herein, and the department of revenue shall collect such taxes and enforce this section and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. All provisions of the state sales tax, with respect to definitions, except the definition of "gross receipts" contained therein, payment and assessment of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after the due date of tax, penalties for failure to pay tax or otherwise complying with the state sales tax statutes, the promulgation of rules and regulations and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this section when applied to the tax levied pursuant to subsection (a) of this section, shall apply to the tax levied herein. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obliga-

tions with respect to the taxes levied herein as are imposed on the commissioner and the department by the state sales tax statutes. All provisions of the state sales tax statutes that are made applicable in this section to the taxes levied herein and to the administration of this section are incorporated herein by reference and made a part hereof as if fully set forth herein; provided, that the provisions of the state sales tax with respect to the collection by the taxpayer of the tax levied therein shall not apply, the taxes levied herein being levied against the person required to pay the tax to the state.

(d) The taxes levied herein shall not apply with respect to contracts made by the contractor with any county or incorporated city or town, except that contracts in which the State of Alabama is a joint party with the city, town or county shall be subject to the tax, nor to that portion of the gross receipts received by the contractor constituting additional amounts paid to the contractor under contractual escalation provisions allowing for an increase in the contract price for escalations in the cost of fuels, materials, and/or labor."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 4. This Act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-724

H. 578—Reps. Nicholson, Brakefield, Newman, Lauderdale, Ashley, Layton, Waggoner, Butler, Freeman, Goodwin, Dutton, Coleman, Laird, Carothers, White (L.), Mathis, Johnson (R.G.), Browder

AN ACT

To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, § 32-5-313 is hereby amended further to read as follows:

“§ 32-5-313. In addition to all other fines, fees, costs and punishments now prescribed by law there shall be imposed or assessed an additional penalty of \$1.50 upon conviction by any judge in any court of the state of any offense involving a traffic infraction; or upon conviction of a traffic infraction prescribed by any county or municipal ordinance.

“All penalties collected under this section shall be forwarded by the officer of the court who collects the same to the state treasurer, within 30 days after the penalty or forfeiture is collected. All amounts so received shall be credited to a special fund to be designated the ‘driver education and training fund,’ and an amount equal to 60 percent thereof is hereby appropriated to the state department of education for the sole purpose of instituting and conducting a program of prelicensing driver education and training; and an amount equal to 33 ⅓ percent thereof is hereby appropriated to the state department of education for the sole purpose of instituting and conducting a program of truck driver education and training; provided however that these funds shall be expended only by institutions under the control of the State Board of Education; and the remaining 6 ⅔ percent is hereby appropriated to the state safety coordinating committee for payment of administrative expenses incurred in its programs.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-725

H. 237—Rep. Coburn

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1984, the sum of Four Hundred Thousand Dollars (\$400,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College lo-

cated at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-726

H. 238—Reps. Reed, Coburn

AN ACT

To make appropriations for the support and maintenance of the Tuskegee Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1984, the sum of One Million Four Hundred Sixty Thousand Dollars (\$1,460,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Tuskegee Institute located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-727

H. 239—Rep. Coburn

AN ACT

To make appropriations for the support and maintenance of the Talladega College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1984, the sum of Three Hundred Thousand Dollars (\$300,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-728

H. 240—Reps. Bryant, Coburn

AN ACT

To make appropriations for the support and maintenance of the Marion Military Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1984, the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute located at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of

public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-729

H. 241—Rep. Coburn

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1984, the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1983.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-730

S. 552—Senator Smith (B)

AN ACT

To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of

1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The increase in the rate at which ad valorem taxes are levied in the City of Huntsville pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, heretofore proposed by the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, by 65¢ on each one hundred dollars worth of taxable property (6½ mills) making the total levy of ad valorem taxes levied and collected pursuant to Amendment No. 305, to be 11½ mills, is hereby approved.

Section 2. The increase in the rate at which ad valorem taxes is levied and assessed pursuant to Amendment No. 305, as herein provided, if approved by a majority vote of the qualified electors of the City of Huntsville in a special election as herein provided, shall be effective for the tax year beginning October 1, 1986.

Section 3. The governing body of the City of Huntsville shall call a special election to be held in accordance with the law governing special elections, at which the qualified electors of the City of Huntsville shall decide the question:

"Do you favor the increase in the rate at which ad valorem taxes is levied and assessed pursuant to Amendment No. 305 of the Constitution of Alabama of 1901 in the City of Huntsville by increasing the rate by 65¢ on each one hundred dollars worth of taxable property (6½ mills), to be assessed for the tax years beginning on and after October 1, 1986? Yes — No —.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-731

S. 377—Senator Menton

AN ACT

Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational,

or other lawful purposes shall be legal in Mobile County; grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Mobile County Bingo Act."

Section 2. As used in this Act the following words shall have the following meanings as ascribed herein, unless the context clearly indicates otherwise:

(a) "Bingo" means that game commonly known as bingo where numbers or symbols on a card are matched with numbers or symbols selected at random.

(b) "Qualified organization" means a bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which operates without profit to its members and which either has been in existence continuously as such as organization for a period of 12 months or is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government.

(c) "Person" means any human being, corporation, association, or other legal entity.

(d) "Permit holder" means a qualified organization which has been issued a permit or license pursuant to this Act.

(e) "Location" means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this Act.

(f) "Bingo session" means a consecutive period of time not to exceed five (5) consecutive hours during which bingo is played in a given day and not to exceed two (2) such days in a given week, except for special permit holders.

(g) "Special permit holder" means one who holds a permit for a special occasion and as provided by Section 5 of this Act.

Section 3. The operation of bingo games for prizes or money by qualified organizations for bona fide charitable, educational or other lawful purposes shall be legal in Mobile County, only in that area commonly referred to as "the Mobile Causeway" subject to the provisions of this Act.

Section 4. (a) No qualified organization shall be permitted to operate a bingo game unless the sheriff first issues a permit to the organization authorizing it to do so. The permit described in this Act is in addition to, and not in lieu of, any other business licenses which may be required by law, and no bingo game shall be operated until such time as all required licenses have been obtained. A permit holder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable.

(b) Any qualified organization desiring to obtain a permit to operate bingo games in a calendar year shall make application to the sheriff on forms prescribed by the sheriff and shall pay an annual fee of \$50.00. Renewal application shall also be filed with the sheriff. The sheriff shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each applicant for a permit shall evidence its prior existence for at least 12 months and provide the following information:

(1) The name and home address of the applicant and, if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers of the organization, as well as the names and addresses of the directors, or other persons similarly situated, of the organization.

(2) The names and home addresses of each of the persons who will be operating or promoting the bingo game.

(3) The names and home addresses of any persons, organizations or other legal entities that will act as surety for the applicant.

(4) The location at which the applicant will conduct the bingo games.

(5) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in 1, 2 and 3 above.

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of \$10.00 fee.

Section 5. (a) A qualified organization which does not hold a permit pursuant to Section 4 may apply for a special permit for conducting a bingo session at a designated location for a special occasion. Such an applicant shall submit to the sheriff a written application prepared in accordance with and on a form prescribed by rule

of the sheriff. The application shall include the information required by subsection (b) of Section 4, except that the applicant shall indicate the day or days on which the applicant will conduct the bingo session for the special occasion. Upon a determination by the sheriff that the applicant is a qualified organization and is not ineligible pursuant to Section 14 and upon the applicant's payment of the required fee under this subsection to the sheriff's department, the sheriff may issue a special permit. The special permit fee shall be \$10.00 per day.

(b) A special permit shall contain the name and address of the permit holder and shall specify the location and the day on which the permit holder may conduct the bingo session.

(c) Up to six (6) special permits for one day each, not to exceed 10 hours, may be issued per qualified organization per year. Such days may be consecutive.

(d) Special permits are not transferable or assignable.

Section 6. (a) Each bingo permit shall contain the name and address of the permit holder, the location at which the permit holder is permitted to conduct bingo, and the day(s) of the week on which the permit holder is permitted to conduct bingo.

(b) The bingo permit holder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Section 7. (a) It is the intention of the legislature that only qualified organizations which are properly issued permits or licenses, pursuant to this Act, shall be allowed to operate bingo games. A qualified organization shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which said other person is substantially financially interested.

(b) All bingo cards shall be clearly marked with the name of the organization using said cards and it shall be unlawful for one qualified organization to use cards owned by another. Provided, however, with the consent of the sponsoring organization, any individual participant may use his personal card; this provision does not exempt such individual from any fees or charges.

(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in Section 10. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(d) Any qualified organization may deduct the reasonable expenses of operating and conducting its bingo games as permitted

herein. Reasonable expenses shall be defined as including customary and usual business overhead expenses.

(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

Section 8. All fees collected by the sheriff under this Act shall be paid into the county general fund, and all necessary expenses incurred by the sheriff in the administration and enforcement of this Act shall be financed from the county general fund.

Section 9. The net proceeds of a bingo game shall be devoted to the charitable, educational, and other lawful purposes of the permit holder; provided, however, all reasonable expenses incurred or paid in connection with the holding, operating, or conducting of bingo, including the following bona fide expenses, in reasonable amounts, shall be allowed:

(a) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair of equipment.

(b) Payment of cash prizes or the purchase of prizes of merchandise.

(c) Reasonable rental or mortgage payment on the location at which bingo is conducted.

(d) Utilities.

(e) Janitorial services.

(f) The fee required for issuance or reissuance of a permit to conduct bingo.

(g) Other reasonable expenses incurred by the permit holder, not inconsistent with this Act.

Section 10. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder, except as otherwise provided in Section 7(b).

(b) Prizes given by any organization for the playing of bingo games shall not exceed \$3,250.00 in cash or gifts of equivalent value during any bingo session, and shall not exceed \$6,500.00 for any calendar week.

(c) A permit holder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permit holder to advertise bingo, the permit holder shall indicate in the advertisement the purposes for which the net pro-

ceeds will be used by the permit holder.

(d) A permit holder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(e) A permit holder shall conduct bingo games only at the single location specified in the permit holder's application.

(f) A permit holder shall not conduct more than two (2) bingo sessions during any one calendar week and no session shall exceed five (5) hours.

(g) No person under the age of nineteen (19) years shall be permitted to play, unless accompanied by a parent or guardian, any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of nineteen (19) years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued under this Act.

Section 11. Each permit holder shall maintain the following records pertaining to each bingo session for at least one year from the date of the session:

(a) An itemized list of gross receipts for each session.

(b) An itemized list of all expenses, including the name of each person to whom the expenses are paid and a receipt or invoice for all of said expenses.

Section 12. (a) On or before April 15, after the provisions of this Act have been in effect for one year, and on or before April 15 of each calendar year thereafter, each permit holder shall file with the sheriff a copy of the records required in Section 11 relating to the operation of bingo sessions in the previous calendar year. Said records shall be open to inspection by any law enforcement agency.

(b) The records required to be kept by Section 11 of the permit holder for the preceding one year shall be open to inspection by the sheriff, any law enforcement agency, or their duly authorized representatives during reasonable business hours.

(c) The location at which bingo is being conducted or at which an applicant or permit holder intends to conduct bingo shall be open to inspection during regular business hours by the sheriff or any law enforcement agency.

Section 13. The sheriff, for good cause shown, may revoke any permit issued pursuant to this Act if the permit holder or any officer, director, agent, member or employee of the permit holder violates this Act or rule promulgated hereunder. The revocation by the sheriff shall become effective ten (10) days after proper notice by the sheriff to the permit holder unless within said ten (10) day

period the permit holder makes a written request for a hearing to the county commission or governing body. All existing rules and procedures for meetings and hearings before the county commission shall apply herein unless in direct conflict with any of the provisions hereof. Following a full hearing and the rendering of a written decision by the said county commission, either party may appeal same to the circuit court of this county and request a trial by jury. The rendering of a decision adverse to the permit holder by the county commission shall result in the immediate revocation of the subject permit.

Section 14. (a) A permit holder whose permit is revoked in consequence of a violation of this Act or a rule promulgated under this Act is ineligible to apply for a permit for a period of one (1) year after the revocation.

(b) A person convicted of an offense under Section 16 or any other gambling offense is ineligible to serve as an officer or a permit holder or to participate in conducting bingo for a period of one (1) year after the conviction becomes final. If the person is licensed pursuant to this Act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one (1) year thereafter.

(c) If the permit is revoked, in addition to other penalties which may be imposed, the sheriff may declare the violator ineligible to conduct a bingo game or apply for a permit under this Act for a period not exceeding one (1) year.

(d) The permit holder shall return its permit to the sheriff on or before the effective date of a revocation or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the revocation or forfeiture.

Section 15. The circuit court of this county shall have jurisdiction to restrain or enjoin violations of this Act and shall afford trial by jury for all appeals directed to it for alleged violations of this Act leading to revocations of existing permits.

Section 16. Any person who violates the provisions of this Act shall be guilty of a Class C misdemeanor upon first conviction hereunder. Any subsequent conviction hereunder shall be a Class A misdemeanor. Any person who is convicted pursuant to this section shall be punished as provided by law.

Section 17. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of the provisions of this Act, may be contraband and may be seized and is forfeited. Property forfeited may be sold, destroyed, or retained for official use by the state or county law enforcement agencies as the circuit court

directs, following a full due process hearing.

Section 18. Any other law providing a penalty or disability upon a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his premises, or who does other acts in connection with bingo, shall not apply to such conduct when done pursuant to this Act or rules promulgated under this Act.

Section 19. Any non-profit organization which is charitable, educational or otherwise lawful which has publicly operated bingo games on a weekly or monthly basis for three or more years prior to the ratification of a constitutional amendment authorizing bingo within Mobile County shall be exempt from complying with the provisions of this act but shall be considered lawful wherever located and all past actions are hereby ratified and approved.

Section 20. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 22. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo within Mobile County; provided, however, that the provisions of this amendment shall not become operative in Mobile County unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose upon call of the county commission. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of Mobile County who vote thereon upon its submission, such election shall constitute a referendum election held for such purpose and no further election need be called.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-732

H. 797—Rep. Campbell

AN ACT

To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, is hereby amended to read as follows:

“Section 5. This Act shall become effective as provided by law when:

(a) An amendment to the Constitution of Alabama of 1901 authorizing the altering of court costs in Calhoun County is adopted prior thereto by the voters of the State of Alabama with a majority of the votes cast in such election by the voters of Calhoun County favoring such amendment, and the result of the vote is certified and proclaimed by the Governor as provided by law; or

(b) If such amendment is adopted by the voters of the state and rejected by the voters of Calhoun County in the elections on the amendment, this Act will become effective only if the Calhoun County Commission proposes increases in court costs and a majority of the voters of Calhoun County approve such increases in an election called for that purpose.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 29, 1983

Time: 4:45 P.M.

Act No. 83-733

H. 725—Rep. White (L)

AN ACT

Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the words “municipal corporation” shall mean the City of Alexander City in Tallapoosa County.

Section 2. In addition to all other powers, rights, and authority heretofore granted by law:

(a) Such municipal corporation is hereby authorized and empowered to acquire, purchase, construct, lease, operate, maintain, enlarge, and extend and improve a cable television system which may be defined, without limiting the generality, as a facility that in whole or in part, receives directly, or indirectly, or over the air, and amplifies or otherwise modifies the signal transmitting programs broadcast by one or more television or radio stations, and distributes such signals by wire or cable to subscribing members of the public living in such municipal corporation or its surrounding territory who pay for such service; and

(b) Such municipal corporation is hereby authorized and empowered to acquire, purchase, lease, construct, operate, maintain, enlarge, extend and improve a system of auxiliary services which may be identified generally as any communication service, in addition to the cable television transmissions, which shall include, but be not limited to burglar alarm systems, data transmissions, facsimile service, home shopping service, and any allied or similar communication services.

Section 3. For the purposes of this act, such municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 4. (a) In payment for the purchase, lease, construction, acquisition, extension or maintenance of such television cable system, the municipal corporation may issue its bonds in the manner provided by law.

(b) Such municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, lease, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such pur-

chaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, or the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the cost of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 5. The municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this act and in effectuating the purposes of this act.

Section 6. For the transaction of business pursuant to this act the municipal corporation shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 28, 1983

Time: 5:00 P.M.

Act No. 83-734

S. 554—Senator Smith (B)

AN ACT

To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of

the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The City Council or other governing body of the City of Huntsville in Madison County is hereby authorized to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of licensees of the Alcoholic Beverage Control Board of the State of Alabama and of the City of Huntsville.

Section 2. The provisions of this act are cumulative and supplemented to the present power and authority of the City of Huntsville, and this act is not intended to, nor shall it be interpreted so as to repeal any existing power or authority of the City of Huntsville now permitted under the general laws of the State, or under any local or special act of the Legislature.

Section 3. This act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 2, 1983 without approval by the Governor.

Act No. 83-735

H. 56—Reps. Martin, Parker

AN ACT

To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The children's trust fund is created as a separate fund in the state treasury. The primary purpose of such fund is to encourage the direct provision of services to prevent child abuse and neglect. In furtherance of this purpose, the fund may be expended: to provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness

regarding the problems of child abuse and neglect; to encourage professional persons and groups to recognize and deal with problems of child abuse and neglect; to make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and to encourage the development of community prevention programs. To these ends the fund shall be expended only as provided in this act, the child abuse and neglect prevention act (The act proposed by House Bill No. 57 of the 1983 Regular Session), or other law specifically regulating expenditures therefrom.

(b) The state treasurer shall credit to the trust fund all amounts appropriated for this purpose under this act and any amounts received under Section 8 of the child abuse and neglect prevention act.

(c) The state treasurer shall invest trust fund money in the same manner as surplus funds are invested pursuant to Section 36-17-18, Code of Alabama 1975. Earnings shall be credited to the trust fund.

(d) Until the total amount of assets in the trust fund exceed \$10,000,000, not more than one-half of the money contributed to the trust fund each year, plus the earnings credited to the trust fund during the previous year, shall be available for disbursement upon the authorization of the state child abuse and neglect prevention board as provided in Section 9 of the child abuse and neglect prevention act. After such time that the state treasurer certifies that the assets in the trust fund exceed \$10,000,000, only the earnings credited to the trust fund shall be available for disbursement upon authorization of the state board as provided in Section 9 of the child abuse and neglect act.

Section 2. (a) For the tax year beginning October 1, 1983, and until the state treasurer certifies that the assets in the children's trust fund exceed \$10,000,000, a resident individual taxpayer who files an Alabama income tax return and who is entitled to an income tax refund from the state department of revenue sufficient to make a designation under this act may designate that \$2.00 of his or her refund be credited to the children's trust fund. In the case of a joint return of husband and wife who are entitled to a tax refund sufficient to make a designation under this act, a designation may be made that \$4.00 of their refund be credited to the children's trust fund. Such designation shall be made by marking the appropriate box, printed on the return pursuant to subsection (b) of this section.

(b) The state department of revenue shall print on the face of the state income tax form for residents a space for taxpayers to designate that a contribution be made to the children's trust fund from their income tax refund due. The space for designating the contribu-

tion shall provide for checkoff boxes in the amount of \$2.00 and \$4.00 or other dollar amount, commencing for the tax year 1983 and thereafter.

Section 3. (a) Each year that the refund designation program established in Section 2(a), above, is in effect, the commissioner of the department of revenue shall transfer to the children's trust fund an amount equal to the total amount designated by individuals to be paid to the fund under this act, less an amount, equal to not more than three percent (3%) of the total of such funds then collected, for the additional cost incurred by the department of revenue in collecting and handling such funds which shall be deposited in the general fund of the state treasury for the use of the revenue department. Such deposits shall be made not less than quarterly commencing with the first day such funds are collected from the taxpayer.

(b) Moneys contained in the children's trust fund are continuously appropriated to the child abuse and neglect prevention board for the purposes set out in Section 1(a) of this act. Such funds shall be supplemental to any and all other appropriations heretofore or hereafter made to the child abuse and neglect prevention board. No provision of this act shall be construed to be in lieu of annual appropriations.

(c) The child abuse and neglect prevention board shall have access to and control of the moneys in said fund and shall be authorized to distribute such funds only for the purposes of this act and Section 9 of the child abuse and neglect prevention act (The act proposed by House Bill No. 57 of the 1983 Regular Session of the Alabama Legislature).

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed except that no part of this act shall be construed to authorize any board, person, or entity to assume the duties and responsibilities of any other state agencies or to repeal or preempt or take precedence over any part of Act No. 1124, Acts 1975, as amended by Act No. 81-789, Acts 1981, as now codified in Title 26, Chapter 14, Sections 26-14-1 through 26-14-13.

Section 6. This act shall not take effect unless House Bill No. 57 of the Regular Session of the Alabama Legislature of 1983 is enacted into law.

Approved August 8, 1983

Time: 2:45 P.M.

Act No. 83-736

H. 57—Reps. Martin, Parker

AN ACT

To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "child abuse and neglect prevention act."

Section 2. (a) As used in this act, the following words and phrases shall have the meanings herein ascribed to them:

(1) "Child" means a person under 18 years of age.

(2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of any provision of Chapter 6, Article 4, Title 13A, Code of Alabama 1975.

(3) "Local council" means an organization which meets the criteria described in Section 10.

(4) "Neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

(5) "State board" means the state child abuse and neglect prevention board created in Section 3.

(6) "Prevention program" means a system of direct provision of child abuse and neglect prevention services to a child, parent, or guardian.

(7) "Trust fund" means the children's trust fund established in the state treasury.

Section 3. (a) The state child abuse and neglect prevention

board is created as an autonomous agency of the state government.

(b) There shall be an executive director of the state board, appointed by the governor from a list of candidates submitted under Section 6(a)(2) of this act. The executive director shall not be a member of the state classified civil service. The executive director shall be compensated by a salary payable out of the state treasury at the times and in the manner that the salary of other state officials is paid. The exact amount of the executive director's salary shall be set by the board, but in no event shall said salary exceed seventy-five percent of amount set as the standard compensation for cabinet level officials of the state.

(c) The executive director shall hire all staff required to exercise the powers and carry out the duties of the state board. In carrying out the duties provided in Section 6 (a), (3), (4), (5), (6), (7), and (b), the Executive Director shall coordinate these activities with the State Department of Pensions and Security. The state board shall approve the number of staff members hired and their job descriptions. Each staff member shall be a member of the state classified civil service.

Section 4. (a) The state board shall be composed of the following 14 members:

(1) The commissioner of the state department of pensions and security, the state mental health officer, the state health officer, the state superintendent of education, and the director of public safety or designees authorized to speak on their behalf.

(2) Nine public members appointed by the governor, one from each of the seven congressional districts into which the state is divided for the purpose of electing representatives in the United States Congress, and two from the state-at-large. As a group, the public members shall demonstrate knowledge in the area of child abuse and neglect prevention; shall be representative of the demographic composition of this state; and, to the extent practicable, shall be representative of all of the following categories: organized labor, the business community, the religious community, the legal community, professional providers of child abuse and neglect prevention services, and volunteers in child abuse and neglect prevention services.

(b) The term of each public member shall be 3 years, except that of the public members first appointed, 3 shall serve for 3 years, 3 for 2 years, and 3 for 1 year. The governor shall designate the term which each of the members first appointed shall serve when he makes such appointments. A public member shall not serve more than 2 consecutive terms whether partial or full. A vacancy shall be

filled for the balance of the unexpired term in the same manner as the original appointment.

(c) The governor shall designate a chairperson of the state board from among the public members, which chairperson shall serve in that position at the pleasure of the governor. The state board may elect other officers and committees as it considers appropriate.

(d) The actual and necessary per diem compensation and the schedule for reimbursement of expenses for the public members of the state board shall be the same as prescribed by law for state employees when traveling on state business. The compensation and reimbursement, the salaries of the executive director and staff, and all actual and necessary operating expenses of the state board shall be paid from the trust fund, pursuant to an authorization as provided in Section 9.

Section 5. (a) The business of the state board shall be conducted at public meetings held in compliance with Section 13A-14-2, Code of Alabama 1975. The board shall hold two regular public meetings each year, one on the first Friday in May and the other on the first Friday in October; and may hold such special meetings as in the opinion of the chairman or a majority of the board are needed to transact the business of the board. Notice of the time, date, and place of each meeting shall be given in the manner and for the time prescribed therefor by the board.

(b) All books, records and documents pertaining to the board or the performance of any official function of the board shall be public records and open to the public at all reasonable times.

Section 6. (a) The state board shall do all of the following:

(1) Meet not less than twice annually at the times prescribed in Section 5(a), above.

(2) Transmit to the governor a list of individuals recommended to fill the position of executive director.

(3) One year after the original appointment of the state board, and annually thereafter, develop a state plan for the distribution of funds from the trust fund. The plan shall assure that an equal opportunity exists for establishment of prevention programs and receipt of trust fund money among all geographic areas in this state. The plan shall be transmitted to the speaker of the house, the president pro tempore of the senate, to the governor, and to the ways and means committee of the house of representatives and the finance and taxation committee of the senate.

(4) Provide for the coordination and exchange of information on

the establishment and maintenance of local councils and prevention programs.

(5) Develop and publicize criteria for the receipt of trust fund money by eligible local councils and eligible prevention programs.

(6) Review, approve, and monitor the expenditure of trust fund money by local councils and prevention programs.

(7) Provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect; encourage professional persons and groups to recognize and deal with problems of child abuse and neglect; make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and encourage the development of community prevention programs.

(8) Establish a procedure for the annual, internal evaluation of the functions, responsibilities, and performance of the state board, and coordinate the evaluation with the state plan.

(b) The state board shall enter into contracts with public or private agencies to fulfill the requirements of subsection (a)(7) and may contract to fulfill the other requirements of subsection (a).

Section 7. The state board may recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards which will reduce the problem of child abuse and neglect, improve coordination among state agencies that provide prevention services, and improve the condition of children and parents or guardians who are in need of prevention program services.

Section 8. The state board may accept federal funds granted by congress or executive order for the purposes of this act as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the legislature to continue the purposes for which the federal funds are made available. All funds received in the manner described in this section shall be transmitted to the state treasurer for deposit in the trust fund.

Section 9. (a) The state board may authorize the disbursement of available money from the trust fund exclusively for the following purposes, which are listed in the order of preference for expenditure:

(1) To fund a private nonprofit or public organization in the development or operation of a program if at least all of the following conditions are met:

a. The appropriate local council has reviewed and approved the

program. This subparagraph does not apply if a local council does not exist for the geographic area to be served by the program.

b. The organization demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. Not more than 50% of the local match shall be in in-kind services. In-kind services are subject to the approval of the state board.

c. The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance.

d. Other conditions that the state board may deem appropriate.

(2) To fund local councils.

(3) To fund the state board created in Section 3 for the actual and necessary expenses that the board incurs in performing its duties.

(b) Authorizations for disbursement of trust fund money under subsection (a)(3) shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money under subsection (a)(1) and (2) to encourage the direct provision of services to prevent child abuse and neglect.

Section 10. In making grants to a local council, the state board shall consider the degree to which the local council meets the following criteria:

(1) Has as its primary purpose the development and facilitation of a collaborative community prevention program in a specific geographical area. The prevention program shall utilize trained volunteers and existing community resources wherever practicable.

(2) Is administered by a board of directors composed of an equal number of members from the following 2 groups:

a. A representative from each of the following local agencies: the county department of pensions and security, the county public health department, the probate court, the office of the prosecuting attorney, a local law enforcement agency, a school district, and a number of private, local agencies that provide treatment or prevention services for abused and neglected children and their parents or guardians. The number of private agencies to be represented on the local council shall be designated in the bylaws of the local council by the remaining members.

b. Members of the local council elected by the membership. The elected members shall represent the demographic composition of the community served, as far as practicable.

(3) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

(4) Demonstrates a willingness and ability to provide prevention program models and consultation organizations and communities regarding prevention program development and maintenance.

(5) Demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. Not more than 50% of the local match shall be in in-kind services. In-kind services are subject to the approval of the board.

(6) Other criteria that the state board deems appropriate.

Section 11. Not later than 2 years after the effective date of this act, the state board shall promulgate rules pursuant to the Alabama administrative procedures act, Act No. 81-855 of 1981, now codified as Chapter 22 of Title 41 of the Code of Alabama 1975.

Section 12. A thorough, independent review of the functions, responsibilities, and performance of the state board shall be completed each 5 years after the effective date of this act, and transmitted to the individuals listed in Section 6(a)(3).

Section 13. The provision of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. This act shall not take effect unless House Bill No. 56 of the 1983 Regular Session of the Alabama Legislature is enacted into law.

Approved August 8, 1983

Time: 2:45 P.M.

Act No. 83-737

H. 148—Reps. Carothers, Martin

AN ACT

To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 39-1-1, Code of Alabama 1975, is amended to read as follows:

“§ 39-1-1. Bonds required of persons, firms, etc., contracting with state or political subdivision thereof for repair, construction, etc., of public buildings, works, etc.; commencements, etc., of actions upon bonds by persons, firms, etc., supplying labor, materials, etc., to contractor; giving of notice of completion of project by contractor and final settlement; applicability of provisions of section.

“(a) Any person, firm or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction or prosecution of any public buildings or public work, highways or bridges shall be required, before commencing such work, to execute a performance bond, with penalty equal to 100 percent of the amount of the contract price, and, in addition thereto, another bond with good and sufficient surety, payable to the state, county or municipal corporation or subdivision letting the contract, in an amount not less than 50 percent of the contract price, with the obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor, materials or supplies for or in the prosecution of the work provided for in such contract and for the payment of reasonable attorneys’ fees incurred by successful claimants or plaintiffs in civil actions on said bond.

“(b) Any person, firm or corporation that has furnished labor, materials or supplies for or in the prosecution or repair of any public building or public work, highways or bridges and payment for which has not been made shall be authorized to institute a civil action upon said bond in his or their name or names and to have their rights and claims adjudicated in such civil action and judgment entered thereon; provided, that no civil action shall be instituted on said bond until after 45 days’ written notice to the surety thereon of the amount claimed to be due and of the nature of the claim. Such civil action shall be commenced not later than one year from the date of final settlement of said contract. The giving of said notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay such claim in full within 45 days from the mailing of such notice, then such person or persons shall be entitled to recover of the contractor and surety, in addition to the amount of said claim, a reasonable attorney’s fee, together with interest on such claim from the date of such notice.

“Every person or persons having a right of action on said last described bond as provided in this section shall, upon written application to the authority under the direction of whom such work has been prosecuted, setting out that labor, material, foodstuffs or supplies for such work have been supplied by him or them and that

payment therefor has not been made, be promptly furnished a certified copy of said additional bond and contract. Such claimant shall be authorized to bring civil action on said bond in the county in which the work provided for in said contract is to be performed or in any county where the contractor or his surety does business, for his or their use and benefit against said contractor and his surety or either of them.

"In addition to any other legal mode of service, service of summons and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract be a state highway contract, or with the executive officer of the city, town, board, commission or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that such service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission or authority, it shall be the duty of such director or executive officer to immediately mail a copy of such process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of bond to secure contracts of less than \$1,000.00 in amount.

"(d) The contractor shall immediately after the completion of the contract give notice of said completion by an advertisement in some newspaper of general circulation published within the city or county wherein the work has been done for a period of four successive weeks. In no instance shall a final settlement be made upon the contract until the expiration of 30 days after the completion of same. Proof of publication of said notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county where the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the probate judge or sheriff and the contractor."

Provided, however, that the requirements of this subsection shall not apply to contractors performing contracts of less than \$10,000.00 in amount and the governing body of the contracting agency, so as to expedite final payment, shall cause notice of final

completion of such contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency, if any, and shall post notice of final completion on the agency's bulletin board for one week and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with such contractor may be made at any time after the notice shall have been posted for one entire week.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-738

H. 222—Rep. Richardson

AN ACT

Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County governing body shall reimburse the office of tax collector and probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars (\$2,000.00) per annum, arising or caused by the acceptance of worthless or forged checks if the acceptance was caused without their personal knowledge.

Section 2. It shall be the duty of the tax collector and probate judge to insure that employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of the office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-739

H. 287—Reps. Poole, Holley, Junkins,
Layton, Bennett, Hall,
Butler, Freeman, Rogers,
Smith, Johnson (Roy),
Brakefield, Minus

AN ACT

To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-85, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-21-85. The provisions of this article shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in division 1 of article 1 of chapter 23 of this title, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this article by reference the provisions of Sections 40-23-8 through 40-23-23, 40-23-25 and 40-23-27 through 40-23-32, together with the definitions applicable to said sections contained in Section 40-23-1; provided, that in the event of the repeal of such division, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this article by reference, unless the legislation providing for such repeal shall clearly indicate such a result. The taxes herein levied shall be due and payable as follows:

“(1) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was less than \$10,000 during the preceding calendar year shall remit such taxes in accordance with Section 40-23-7.

“(2) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was \$10,000 or greater during the preceding calendar year shall make estimated payments to the revenue department on or before the 20th day of the month in which the liability occurred.

“(a) The amounts of the payment shall be at least equal to the taxpayer's actual tax liability for the same calendar month of the

preceding year.

“(b) Any outstanding credit or deficit arising from the taxpayer’s overpayment or underpayment of its final liability shall be applied to either increase or reduce, as the case may be, that month’s final tax liability which shall be reported and paid not later than the 20th of the month next succeeding the month in which the tax accrues. The provisions of Section 40-23-7 shall apply to the filing of the monthly tax liability report.”

(c) In those instances where a taxpayer due to divestiture compliance with a lawful order of a court of competent jurisdiction, or the sale of a portion of the business on which said tax is applicable, where such divestiture compliance or sale reduces the gross revenues of the taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months following such divestiture compliance or sale the monthly estimated tax liability and shall consider among others, the financial historical data and the percentage of divestiture or sale of said business of the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section 1, (2), (b).

(d) In those instances where there is no preceding calendar year for purposes of determining the tax liability of any taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months the monthly estimated tax liability for the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section (1), (2), (b).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 4. This Act shall become effective October 1, 1983.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-740

H. 243—Rep. Coburn

AN ACT

To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent’s death to 9 months after the decedent’s death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-15-4, Code of Alabama, 1975, is hereby amended so as to read as follows:

“§ 40-15-4. Time of payment; extension of time.

The tax imposed by this chapter shall be due and payable on or before 9 months after the decedent's death and shall be paid by the personal representative to the department of revenue; provided, that where the department of revenue finds that the payment on the due date of any part of the amount due would impose undue hardship upon the estate, the department of revenue may extend the time for payment of all or any part, not to exceed 10 years from the original due date. In such case the amount or amounts in respect of which the extension is granted shall be paid on or before the dates thus fixed, unless further extended within said limitation as to time. If the time for payment is extended, there shall be collected, in addition to the tax, interest thereon at the legal rate from the original due date of the tax to the date of payment. The department of revenue may, in its discretion, accept such security as it may approve for the deferred payments or may release any part of remainder of the estate from any claim or lien for the payment of the tax.”

Section 2. Section 40-15-7, Code of Alabama, 1975, is hereby amended so as to read as follows:

“§ 40-15-7. Nonresident decedents. (a) Except as herein otherwise provided, all of the provisions of this chapter shall be applicable to so much of the estates of nonresident decedents as is subject to estate tax under the act of congress in effect at the time of the death of decedent as consists of real estate or tangible personal property located within this state or other items of property or interest therein lawfully subject to the imposition of an estate tax by the state of Alabama.

(b) In assessing the tax upon any real estate or tangible property located within this state belonging to the estate of a nonresident decedent, which shall pass by will, devise or by the laws of intestacy, the department of revenue shall determine the tax due to be such proportion of the federal estate tax as would be leviable upon an estate of similar taxable net value, less that proportion of any exemption to which the estate is entitled, which the actual value of the real estate and tangible personal property located within this state belonging to the estate of the nonresident decedent bears to the actual value of the gross estate of the nonresident decedent wherever situate whether in this state or not.

(c) No tangible personal property located within this state belonging to the estate of a nonresident decedent and taxable under

this chapter shall be transferred or delivered to any person except a legal representative of the estate of said deceased duly appointed whether in this state or in the state of the decedent's domicile by a court having jurisdiction for the purpose.

(d) Such property shall not be transferred or delivered to a foreign legal representative until the tax has been paid, except under such conditions and after giving such security as the department of revenue may agree upon. Any person or corporation which shall transfer or deliver or having control thereof shall permit the transfer or delivery of any such property to any person other than a resident legal representative before such tax has been paid shall be liable for the tax and additional penalty of not more than \$1,000.00 in an action brought by the department of revenue for the use of the state.

(e) Legal representatives shall be liable for such tax upon and to the extent of all such property which shall come into their hands as such, with interest as hereinafter provided.

(f) Every person having in his possession or control any tangible personal property belonging to the estate of a nonresident and taxable under this chapter shall, unless the property is delivered to a resident legal representative within 30 days after the death of the owner, notify the department of revenue and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident legal representative appointed within 9 months after the owner's death, the circuit court of the county of Montgomery shall, upon petition of the department of revenue, appoint a resident legal representative, or a special legal representative as the circumstances of the case may require, to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(g) All taxes imposed by this chapter in relation to estates of nonresident decedents shall be due and payable at the time of the death of the decedent; and, if not paid within 9 months thereafter, unless the time for payment shall be extended, interest at the rate of 12 percent per annum shall be charged and collected from the expiration of 9 months after the death of the decedent, and said taxes and interest shall be and remain a lien on the property transferred until the same are paid.

(h) Real estate and tangible personal property within the jurisdiction of this state, except as otherwise provided, belonging to non-residents which shall pass by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, shall be subject to the same tax imposed upon transfers hereinbefore

described by this chapter. The taxes upon such transfer shall become due and payable at once upon the death of the grantor or donor, and if not paid within 9 months from the death of the grantor or donor, unless the payment shall be extended, shall be subject to interest as aforesaid after the expiration of said period until paid. Said taxes and interest shall be a charge against the person receiving such property, and the property transferred shall be subject to a lien to secure its payment. All persons or corporation within the jurisdiction of the state in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities and penalties imposed herein upon persons having the possession or control of the personal estate of such decedent.

(i) A resident legal representative holding personal property of a deceased nonresident subject to said tax shall deduct the tax therefrom or collect it from the legal representative in the state of the decedent's domicile and shall not deliver such property to him or any other person until he has collected the tax and paid the same to the department of revenue. When the transfer of such personal property is subject to a tax under the provisions of this chapter and the legal representative in the state of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid within 9 months after the decedent's death, or within the time extended, the resident legal representative may, upon such notice as the circuit court of the county of Montgomery may direct, be authorized to sell such property or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by the nonresident decedent in his lifetime is subject to said tax, the resident legal representative shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.

(j) The department of revenue shall determine the amount of all taxes due and payable under the provisions of this chapter in relation to nonresident decedents and shall certify the amount due and payable to the resident legal representative, if any, otherwise, to the person or persons by whom the tax is payable.

(k) The department of revenue, whenever it has knowledge or reason to believe that any person, firm or corporation has in his, its or their possession or control any tangible personal property belonging to the estate of a deceased nonresident upon or in respect to which the tax has not been paid and a schedule of which has not been furnished, as herein provided, or that any such person, firm or corporation has received a transfer or delivery of such property or

made such transfer or delivery, except to a resident legal representative, upon which or in respect to which the tax has not been paid, as herein provided, or that such person, firm or corporation has knowledge of a transfer or delivery of any such personal property, of such nonresident decedent in his lifetime, by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any member of such firm or any officer of such corporation to appear at the office of the department of revenue at Montgomery, at such time as the department of revenue may designate, and then and there to produce for the use of the department all books or papers which may be in the possession or control of such person, firm or corporation relating to such property or transfer or delivery and to furnish such other information relating to the same as he may be able and the department may require. Whenever the department of revenue shall require the attendance of any person, as herein provided, it shall issue a notice stating the time and place when such attendance is required and shall transmit the same by certified or registered mail, or cause a copy of the same to be given in hand, to such person at least 14 days before the date when such person is required to appear. If any person receiving such notice shall neglect or fail to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuse to furnish such books or papers or give such information, or if a corporation or firm whose officer or member is thus summoned refuses to permit him to produce such books or papers as are called for and are within the control of the corporation or firm, such person, firm or corporation shall be liable to a penalty of \$25.00 for each offense, which may be recovered by the department of revenue for the use of the state. Any person attending in response to summons as herein provided shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the state in other cases. The department of revenue may commence an action for the recovery of any taxes assessable hereunder at any time after the expiration of 9 months from the death of the decedent."

Section 3. Section 40-15-10, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-10. Appraisement upon failure to make reports.

Upon the failure to make and file with the department of revenue of Alabama the reports herein required of the legal representative of any estate against which a tax is required herein to be paid to the state of Alabama within 9 months from the qualification of the legal representative, such estate may be appraised and assessed for

the estate taxes herein levied by the department of revenue or its authorized representative or agent who shall have full power and authority to require the production of all evidence that will enable it or its agent to determine the value of all property of any such estate subject to be taxed under this chapter."

Section 4. Section 40-15-11, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-11. Execution for tax.

The tax imposed on the estates under the provision of this chapter, after tentative notice and opportunity to protest, if return has been made as contemplated hereby, shall have the full force and effect of a judgment on which execution may be issued by the Department of Revenue, and if a legal representative of any estate taxable under this chapter fails to pay the amount assessed against such estate within six months after notice from the proper authorities as to the amount to be paid, or 9 months after the death of the decedent whichever is later, provided that no extension is granted in respect to the whole or any part of the tax, the Department of Revenue is hereby authorized and it shall be its duty to issue execution directed to the sheriff of any county in the State of Alabama in which any of the property of the estate is located for the amount of such tax against said estate, which execution shall be enforced by levy and sale, and the amount due shall bear interest at the rate of one percent per month until paid."

Section 5. Section 40-15-16, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-16. Interest on delinquent payments.

Should all returns be made within the time specified in this chapter, the estate tax and any deficiency in respect thereof levied by this chapter shall be delinquent 9 months after the death of decedent. All or any part of the estate tax or any deficiency in respect thereto not paid before delinquent date shall bear interest at the rate established in Section 40-1-44, Code of Alabama, 1975 until paid."

Section 6. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-741

H. 244—Rep. Coburn

AN ACT

To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations. This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-42, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-18-42. Time and methods of payment of tax.

“(a) Time of payment for individuals.—In the case of individuals the total balance of the tax owed after credits for taxes paid through withholding as provided in §40-18-78, or through declarations as provided in §§40-18-82 and 40-18-83, shall be due and payable on April 15 following the close of the calendar year or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

“(b) Time of payment for fiduciaries.—In the case of fiduciaries, the total amount of the tax imposed by this chapter shall be paid on April 15 following the close of the calendar year or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

“(c) Time of payment for corporations.—In the case of corporations, the balance of the tax owed after credits for taxes paid through declarations as provided in §§40-18-82 and 40-18-83 shall be due and paid on March 15 following the close of the calendar year or, if the return should be made on the basis of the fiscal year, then on the fifteenth day of the third month following the close of the fiscal year.

“(d) Extension of time for payment.—At the request of the taxpayer, the department may extend the time for payment of the amount determined as the tax due by the taxpayer, for a period of not to exceed three months from the date prescribed for the payment of tax. In such case the amount in respect of which the extension is granted shall be paid on or before the date of expiration of

the period of the extension.

(e) Voluntary advance payment.—The tax imposed by this chapter or any estimated tax payment thereof may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.”

Section 2. Section 40-18-80, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-18-80. Penalties.

“(a) Any person required under the provisions of §40-18-26 or §40-18-75 to furnish a statement required under those sections, who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner at the time and showing the information required under §40-18-26 or §40-18-75, shall for each such failure be subject to a civil penalty of \$10.00. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in §40-18-40.

“(b) Any employer required under the provisions of §40-18-71 to withhold taxes on wages and make quarterly returns and payment of amounts withheld to the department who fails to withhold such taxes or to make such returns, or who fails to remit amounts collected to the department, shall be liable for the payment of the amount of taxes which should have been withheld and, in addition, shall be subject to a civil penalty equal to 25 percent of the amount of taxes that should have been properly withheld and paid over to the department for each such failure. Such tax and penalty shall be assessed and collected by the department and the assessment of such tax and penalty may be assessed in the manner provided in §40-18-40.

“(c) (1) In the case of a failure to make and file a declaration of estimated tax within the time prescribed in §40-18-82, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to willful neglect, there shall be added to the tax five percent of each installment due but unpaid and one percent of the unpaid amount thereof for each month, except the first or fraction thereof, during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subdivision with respect to any installment due but unpaid exceed 10 percent of the unpaid portion of such installment. For the purposes of this subdivision, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by §40-18-78.

"(2) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to willful neglect, in the case of a failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to a reasonable cause and not to willful neglect, there shall be added to the tax five percent of the unpaid amount of such installment and, in addition, one percent of such unpaid amount for each month, except the first or fraction thereof, during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subdivision with respect to any installment due but unpaid exceed 10 percent of the unpaid portion of such installment.

"(d) If 80 percent of the tax, determined without regard to the credit under §40-18-78, in the case of individuals other than farmers exercising an election under §40-18-82, or 66 $\frac{2}{3}$ percent of such tax so determined in the case of such farmers, exceeds the estimated tax increased by such credit, there shall be added to the tax an amount equal to such excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, June 15 or September 15 of such year, or on January 15 of the year succeeding the taxable year, or in the case of farmers exercising an election under §40-18-82 within the last quarter and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

"(e) In the case of corporations, if 80 percent of the tax exceeds the estimated tax there shall be added to the tax an amount equal to such excess or equal to 6 percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which the taxpayer makes a timely payment on April 15, June 15, September 15 or December 15 of such year, in an amount at least as great as though computed on the basis of the facts shown on its return for the preceding taxable year.

(f) Any penalty imposed by subsections (a), (b), (c), (d), or (e) of this section shall be assessed, collected and paid in the same manner as if it were a deficiency.

(g) Every tax imposed by this article and all increases, interest

and penalties thereon shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(h) Unless otherwise provided herein, the provisions of this article shall be applicable to all taxpayers for all taxable years beginning on or after January 1, 1956. With respect to all taxable years beginning before January 1, 1956, the provisions of this chapter, as they existed immediately prior to such date, shall remain applicable, the same as though they had not been amended or repealed by this article."

Section 3. Section 40-18-82, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-18-82. Declaration of estimated tax.

"(a) Every individual shall, at the time prescribed in subsection (c) of this section, make a declaration of his estimated tax for the taxable year if his net income from sources other than wages, in the case of a single person or married persons filing separate returns, can reasonably be expected to exceed \$1,500.00 for the taxable year; and in the case of married persons living with husband or wife and filing a joint return, whose net income can be reasonably expected to exceed \$3,000.00; and in the case of corporations whose Alabama income tax liability can reasonably be expected to exceed \$5,000.00.

"(b) In the declaration required under subsection (a), the taxpayer shall state:

"(1) The amount which he estimates as the amount of tax under §40-18-5 for the taxable year; or in the case of a corporation the amount of tax estimated as the amount of tax due under §40-18-31.

"(2) The amount which he estimates as the credits for the taxable year under §40-18-78;

"(3) The excess of the amount estimated under subdivision (1) over the amount estimated under subdivision (2), which excess, for the purposes of this chapter, shall be considered the estimated tax for the taxable year; and

"(4) Such other information as may be prescribed in regulations promulgated by the department.

"(c) The declaration required under subsection (a) of this section shall be filed with the department on or before April 15 of the taxable year; except, that if the requirements of subsection (a) of this section are first met:

"(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year;

“(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year; or

“(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable years; or in the case of corporations on or before December 15 of the taxable year.

“(d) A taxpayer may make amendments of a declaration filed during the taxable year under subsection (c) of this section, under regulations prescribed by the department.

“(e) If, on or before January 15 of the succeeding taxable year, an individual taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

“(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such January 15, such return shall, for the purposes of this section, be considered as such declaration; and

“(2) If the tax shown on the return, reduced by the credits under §40-18-78, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (d) of this section to be filed on or before January 15.

“(f) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

“(g) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.”

Section 4. Section 40-18-83, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-18-83. Payment of estimated tax.

“(a) The estimated tax provided for in §40-18-82 shall be paid as follows:

“(1) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the

declaration, the second and third on June 15 and September 15, respectively, of the taxable year and the fourth on December 15 of the taxable year for corporations or on January 15 of the succeeding taxable year for individuals.

“(2) If the declaration is filed after April 15 and not after June 15 of the taxable year and is not required by subsection (c) of §40-18-82 to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration and the second on September 15 of the taxable year and the third on December 15 of the taxable year for corporations, or on January 15 of the succeeding taxable year for individuals.

“(3) If the declaration is filed after June 15 and not after September 15 of the taxable year and is not required by subsection (c) of §40-18-82 to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments; the first installment shall be paid at the time of the filing of the declaration and the second on December 15 of the taxable year for corporations, or on January 15 of the succeeding taxable year for individuals.

“(4) If the declaration is filed after September 15 of the taxable year, and is not required by subsection (c) of §40-18-82 to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

“(5) If the declaration is filed after the time prescribed in §40-18-82, including cases where extensions of time have been granted, subdivisions (2), (3) and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in subsection (c) of §40-18-82, and the remaining installments shall be paid at the times at which and in the amounts in which they would have been payable if the declaration had been so filed.

“(b) If any amendment of the declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment; and if any amendment is made after October 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

“(c) At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

“(d) Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the tax for the taxable

year. Assessment in respect of the estimated tax shall be limited to the amount paid.

“(e) In the case of an individual whose estimated gross income from farming for the taxable year is at least two thirds of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in subsection (c) of §40-18-82, the declaration for the taxable year may be made at any time on or before February 15 of the succeeding taxable year; and if such an individual files a return on or before February 28 of the succeeding taxable year and pays in full the amount computed on the return as payable, such return shall have the same effect as that prescribed in subsection (e) of section 40-18-82 in the case of a return filed on or before February 15.

“(f) The application of this section, section 40-18-82 and subsections (c) and (d) of section 40-18-80 to taxable years of less than 12 months shall be as prescribed in regulations promulgated by the department.

“(g) In the application of this section and section 40-18-82 to taxpayers reporting income on a fiscal year basis, there shall be substituted for the dates specified therein the months corresponding thereto.”

Section 5. The amendments to section 40-18-42 shall be in effect for all taxable years beginning January 1, 1983 and thereafter. The amendments to sections 40-18-80, 40-18-82, and 40-18-83 with respect to the requirements for corporations to file declarations of estimated tax and the payments of such estimated tax shall be effective as follows:

For the tax years beginning January 1, 1984 through December 31, 1984 corporations shall be required to file a declaration of estimated tax and pay an amount equal to one-half of the estimated tax. This one-half payment shall be paid in 4 equal installments as provided in section 40-18-83.

For the tax year beginning January 1, 1985 and all years thereafter, corporations shall be required to file and pay a declaration of estimated tax and pay such tax in accordance with the requirements of §§40-18-82 and 40-18-83.

Section 6. Carry forward of net operating losses. In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the de-

duction under this subdivision shall not exceed \$600,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

d. In the case of a non-resident foreign corporation, the net operating loss deduction allowed by the section shall be limited to sources attributable to Alabama.

e. This deduction shall be limited as follows:

(1) Any loss arising in any year beginning during 1984 may be carried forward five years.

(2) Any loss arising in any year beginning during 1985 may be carried forward four years.

(3) Any loss arising in any year beginning during 1986 may be carried forward three years.

(4) Any loss arising in any year beginning during 1987 may be carried forward two years.

(5) Any loss arising in any year beginning during 1988 may be carried forward one year and

(6) any loss in any year beginning after December 31, 1988 may not be carried forward.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declara-

tion shall not affect the part which remains.

Section 9. This act shall become effective January 1, 1984.

Approved August 5, 1983

Time: 2:45 P.M.

Act. No. 83-742

H. 299—Reps. Flowers, Grouby, Browder,
Smith, Rice, Preuitt

AN ACT

To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this bill is THE TRANSPORTATION SECURITY ACT.

Section 2. Section 13A-7-1, Code of Alabama 1975, is hereby amended to read as follows:

“ 13A-7-1. The following definitions are applicable to this article:

“(1) PREMISES. Such term includes any ‘building’, as herein defined, and any real property.

“(2) BUILDING. Any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, and such term includes any vehicle, aircraft or watercraft used for the lodging of persons or carrying on business therein and such term includes any railroad box car or other rail equipment or trailer or tractor trailer or combination thereof. Where a building consists of two or more units separately occupied or secure, each shall be deemed both a separate building and a part of the main building.

“(3) DWELLING. A building which is used or normally used by a person for sleeping, living or lodging therein.

“(4) ENTER OR REMAIN UNLAWFULLY. A person ‘enters or remains unlawfully’ in or upon premises when he is not licensed, invited or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is partly open to the

public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privileges unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-743

H. 301—Reps. Crow, Carter, Smith,
Newman, Poole, Blake,
Bennett, Carothers,
Mathis

AN ACT

To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-53, Code of Alabama 1975, is hereby amended to read as follows:

"§9-11-53.

(a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is between the ages of 16 and 65 shall not take, catch, kill or attempt to take, catch or kill any fish in any of the waters of this state in which freshwater fish appear by angling with rod and reel or by use of any artificial bait, fly or lure without first procuring an annual state fishing license and paying therefor the sum of \$6.00. No resident of this state between the ages of 16 and 65 shall take, catch, kill or attempt to take, catch or kill any fish in any waters of his or her county of residence, in which freshwater fish appear, by angling with a hook and line, without first procuring an annual county fishing license and paying therefor the sum of \$1.00. Any resident angling with hook and line in such waters of this state outside his or her county of residence must procure the annual state fishing license. Any resi-

dent who procures a rod and reel license, however, shall be entitled to fish with a hook and line without the necessity of procuring an additional license. These licenses shall be issued in the manner and under the conditions, limitations and exemptions as expressly provided for in this section. Ten percent of the revenue generated by the licenses provided for herein shall be earmarked for use by the marine resources division of the department of conservation and natural resources for the purpose of research, management and development of sports fisheries.

(b) Such fishing licenses shall not be transferable, and it shall be unlawful to borrow, lend or alter any such fishing license or for any license-issuing officer to backdate any such license at the time of issuing same.

(c) Any citizen of this state who is entitled to purchase a fishing license as provided for in this section may procure such license by applying to any judge of probate, license commissioner or other persons authorized and designated to issue fishing licenses, stating his name, age, place of residence and post office address and paying to such issuing officer the amount required in this section for such license. Judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of \$.25 for each license so issued, which fee shall be in addition to the amount designated in this section as the cost of such license; provided, that all fees collected by any probate judge or license commissioner who is paid a salary for the performance of his duties shall be paid by him into the county treasury to the credit of the appropriate fund.

(d) All persons under the age of 16 years shall be exempted from the requirement of procuring such licenses. Any resident of this state over 65 years of age shall be exempted from the requirement of procuring a fishing license as provided for in this section, provided that said resident has on his person while fishing, a driver license, or the case of nondrivers, proof of permanent Alabama residence and age.

(e) The licenses required by this section shall not apply to any person or member of his immediate family who fishes in a private pond on lands owned by him, nor shall it include any tenant or member of his immediate family who fishes in a private pond on lands leased or rented by such tenant and who resides on such lands. Nor shall the license required by this section apply to persons fishing with an ordinary hook and line in his county of residence or within one mile of his resident county boundary line; provided, that any person who fishes with ordinary hook and line in his own county of residence shall be required to have on his person, while so fishing,

a reasonable proof of said residency in such county.

(f) The revenue derived from the sale of the license provided for in this section shall be remitted to the department of conservation and natural resources on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund and shall be used in the construction, maintenance, development and supervision of public fishing lakes, for the purchase of lands to be used for public landings on public streams and for the development, protection, propagation and distribution of fish and wildlife of this state.

(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, conviction thereof, shall be punished by a fine of not less than \$10.00 nor more than \$25.00 for each offense."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-744

H. 340—Rep. Holley

AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, 12-19-179, and 12-19-91, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts and appellate courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same - Amount

The docket fees which shall be collected in civil cases shall be:

- (1) Twenty dollars for cases filed on the small claims docket of the district court;
- (2) Thirty-eight dollars for cases otherwise filed in the district court;
- (3) Fifty-five dollars for cases filed in the circuit court; and
- (4) An additional \$15.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same - Distribution.

The docket fees collected in civil cases shall be distributed as follows:

- (1) For cases on the small claims docket of the district court, \$7.00 to the fair trial tax fund, \$8.00 to the state general fund, \$5.00 to the county general fund.
- (2) For other district court cases, \$7.00 to the trial tax fund, \$26.00 to the state general fund, and \$5.00 to the county general fund.
- (3) For cases filed in circuit court, \$7.00 to the fair trial tax fund, \$43.00 to the state general fund, \$5.00 to the county general fund.
- (4) Ten dollars of all sums paid pursuant to subdivision (4) of section 12-19-71 shall be paid to the fair trial tax fund, and five dollars to the state general fund.

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-73. Circuit and district court defendant service fees.

(a) The following defendant service fees shall be collected in civil cases in circuit court and district court:

- (1) For each defendant in excess of one, where personal service is required, there shall be collected a service fee of \$7.00. For each nonresident defendant there shall be collected a service fee of \$7.00, except where service is by publication or by registered mail, not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk

of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

(b) The defendant service fees collected in civil cases shall be distributed as follows: The first \$3.00 of each service fee shall be paid to the county general fund, and the balance of each service fee shall be paid to the state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance of witness subpoenas a fee of \$4.00 shall be collected for each subpoena.

(b) Subpoena fees collected in civil cases shall be distributed three-fourths to the county general fund and one-fourth to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) Eleven dollars for attachment;

(2) Eleven dollars for garnishment; and

(3) Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) Eight dollars of the attachment fee to the state general fund; \$3.00 of the attachment fee to the county general fund.

(2) Eight dollars of the garnishment fee to the state general fund; \$3.00 of the garnishment fee to the county general fund.

(3) Five dollars of the execution fee to the state general fund;

\$2.00 of the execution fee to the county general fund.

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-171. Amount of docket fees in juvenile and criminal cases in circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

(a) Traffic infraction	\$37.50
(b) Issuance of alias writ	10.00
(c) Misdemeanor-Violation	55.00
(d) Felony guilty plea	102.00
(e) Preliminary hearing	15.00
(f) Bond forfeiture	25.00

(2) Circuit Court:

(a) Execution of alias writ	\$20.00
(b) Misdemeanor	55.00
(c) Felony	\$102.00
(d) Bond Forfeiture	25.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at \$40.00 and shall be distributed as follows: \$7.00 to the fair trial tax fund, \$18.00 to the state general fund, \$10.00 to the county general fund, and \$5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of \$4.00 shall be collected for the issuance of each witness subpoena. The subpoena fee shall be distributed three-fourths to the county general fund and one-fourth to the state general fund.

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

§12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction	\$37.50
(2) Execution of alias writ	10.00
(3) Other ordinance violations	55.00

(4) Bond forfeiture 25.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases."

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-173. Distribution of docket fees - Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: \$7.00 to the fair trial tax fund; \$13.00 to the state general fund; \$5.00 to the county general fund."

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-174. Same - Felony cases in circuit court.

The following distribution shall be made of docket fees for felony in circuit court: \$10.00 to the peace officers' annuity fund; \$7.00 to the fair trial tax fund; \$35.00 to the state general fund; \$5.00 to the county general fund, and arrest fee of \$5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; \$30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; \$10.00 to the peace officers' standards and training fund."

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-175. Same - Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: \$7.00 to the fair trial tax fund; \$18.00 to the state general fund; \$10.00 to the district attorney fund or the fund prescribed by law for district attorney fees; \$5.00 to the peace officers' annuity fund; and \$5.00 to the peace officers' standards and training fund, provided however, that the \$5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in traffic or conservation cases."

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-176. Same - Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: \$10.00 to the police officers'

annuity fund; \$7.00 to the fair trial tax fund; \$35.00 to the state general fund; \$5.00 to the county general fund; an arrest fee of \$5.00 to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; \$30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; \$10.00 to the peace officers' standards and training fund."

Section 12. Section 12-19-177, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-177. Same - Preliminary hearings in district court.

The docket fee collected in circuit court for preliminary hearings in district court shall be remitted to the state general fund."

Section 13. Section 12-19-178, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-178. Same - Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: \$5.00 to the police officers' annuity fund; \$7.00 to the fair trial tax fund; \$18.00 to the state general fund; \$5.00 to the county general fund; and arrest fee of \$5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; \$10.00 to the district attorney fund or to the fund described by law for district attorney fees; \$5.00 to the peace officers' standards and training fund, provided however, that the \$5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in conservation cases."

Section 14. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-179. Same - Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic infractions in district court: \$1.00 to the police officers' annuity fund; \$7.00 to the fair trial tax fund; \$1.00 to the driver education fund; \$18.00 to the state general fund; \$3.00 to the county general fund; and arrest fee of \$5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and \$2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees."

(b) Fees for execution of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district

court, \$2.00 to the county general fund; \$8.00 to the state general fund; writs issuing from circuit court, \$5.00 to the county general fund; \$15.00 to the state general fund."

Section 15. Section 12-19-250.1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-250.1. Imposition of additional fee on every case; charge and collection; distribution to fair trial tax fund.

(a) In each and every criminal or quasi-criminal case and every civil action docketed in the municipal courts of the state of Alabama in which the fair trial tax is collected as provided by law, an additional \$5.00 shall be assessed by the clerk of the court or by the judge of such court, if there is no clerk, as costs in each case.

(b) The \$5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

(d) The fees charged and collected in the municipal courts pursuant to the provisions of this section shall be distributed in accordance with the provisions of section 12-19-251.1.

Section 16. Section 12-19-24, Code of Alabama 1975, entitled "Additional court fees in criminal and juvenile cases," is hereby expressly repealed.

Section 17. Section 12-2-20, Code of Alabama 1975, is hereby amended so as to read as follows:

"§ 12-2-20. The supreme court is further authorized and empowered to use moneys or funds appropriated to it, including, but not limited to, the moneys appropriated for the administrative fund, advisory committee work and judicial education, for any judicial purposes the supreme court may direct, including, but not limited to, the preservation, acquisition, framing and repair of portraits, pictures, murals, photographs, resolutions and orders of the court, historical documents and archives; the publishing of books, pamphlets and other publications; the use of consultants; expenses of visiting jurists and other judicial or legally related individuals who are performing services to the courts of this state; ceremonies; and seminars and conferences pertaining to courts and the administration of justice for justices, judges and court-related personnel within or outside the state, and the clerk of said court is authorized to direct payment for all expenses connected therewith, including, but not limited to, meal meetings; provided, however, any law to the contrary notwithstanding, fees authorized by law, court rule or order for certificates, documents, and any other copies of the court records of the supreme

court shall be paid by the clerk of the supreme court into the administrative fund and shall be expended therefrom on the monthly written requisition of the chief justice as an allowance for the office of the chief justice not otherwise provided by law: provided further however, such allowance shall be and is hereby limited to the amount of such fees collected and paid into said administrative fund."

Section 18. Section 12-19-91, Code of Alabama 1975 is hereby amended to read as follows:

(a) The clerks of the courts of appeal shall be entitled to receive the following fees for the following services, to be paid to the treasurer as provided in this article:

(1) Docketing each case	\$.30
(2) Entering each appearance, to include all attorneys appearing on the same side for the same parties	.30
(3) Each bond	.50
(4) Each appeal	.50
(5) Each order	.50
(6) Each continuance	.25
(7) Each judgment	1.00
(8) Each mandate or certificate to the court below	2.00
(9) Each writ in the nature of scire facias, certiorari, mandamus, prohibition or other similar writ	1.00
(10) Filing the same with return	.20
(11) Each writ of execution	1.00
(12) Taxing costs, copying and entering satisfaction	.85
(13) Copying opinions, record or paper, in his office, for each 100 words	.15
(14) In each case an additional fee of	4.00

(b) For petitions for certiorari to the Court of Criminal Appeals, the Clerk of the Supreme Court shall be entitled to receive as assessment of costs the amount of \$25.00.

(c) The docket fee as hereinafter prescribed shall be paid to the clerk of the appropriate appellate court, unless otherwise excepted, as follows:

Appeals in civil cases, review by certiorari in workmen's compensation cases, and review by certiorari of the decisions and judg-

ments of trial courts in cases where review by appeal is not provided for and from decisions of boards and agencies where review by petition in the appropriate appellate court is provided by law, the docket fee to be paid at the time of the filing of the petition or notice of appeal

\$100.00

The docket fee herein prescribed shall be in lieu of all other court costs in the particular proceeding before the appellate court unless otherwise set by the court, and may be taxed as costs.

Section 19. The increase in fees provided in this act shall in no instance operate to increase the municipal share of the docket fees collected in municipal ordinance cases in the district and circuit courts; and provision of the law to the contrary notwithstanding.

Section 20. Except for law library fees, the fees and costs prescribed in this Act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts.

Section 21. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a bond is forfeited and the result of the forfeiture is a final disposition case on or after the effective date of this Act.

Section 22. All laws or parts of laws in conflict herewith are hereby repealed.

Section 23. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 24. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-745

H. 420—Rep. Bowling

AN ACT

To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-14-40 and 40-14-43, Code of Alabama 1975, are hereby amended to read as follows:

“§ 40-14-40.

“Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax based on its capital stock as follows:

	Rate on each \$1,000.00 of capital stock
For the tax year beginning January 1, 1984	\$ 10.00
And all tax years thereafter	\$ 10.00

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$50.00.

“§ 40-14-43.

“Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. The franchise tax collected shall be distributed as follows: One part, which shall be known as the ‘Counties Portion,’ shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

“Distribution Schedule			
“For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion	General Fund
January 1, 1984	6.65%	16.35%	77.0%
And all tax years Thereafter	6.65%	16.35%	77.0%

In this section, ‘general welfare purposes’ means:

“(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

“(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

“(3) Services to and on behalf of dependent, neglected or delinquent children; and

“(4) Investigative and referral services to and on behalf of needy persons.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective January 1, 1984, following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-746

H. 494—Rep. Mitchell

AN ACT

To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, are hereby amended to read as follows:

“Section 34-13-1. (a) For purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

“(1) BOARD. The Alabama board of funeral service.

“(2) EMBALMING. The practice, science or profession, as commonly practiced, of preserving, disinfecting and preparing by application of chemicals or other effectual methods human dead for burial, cremation or transportation.

“(3) **EMBALMER.** Any person engaged or holding himself out as engaged in the business, practice, science or profession of embalming, whether on his own behalf or in the employ of a registered and licensed funeral director.

“(4) **PRACTICAL EMBALMER.** Any person who has been actively and continuously engaged or employed in the practice of embalming under the supervision of a licensed embalmer for four consecutive years immediately preceding May 1, 1975, and has been issued a license as such as a practical embalmer under the grandfather provisions of this chapter.

“(5) **CEMETERY.** A place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either land or earth interment; a mausoleum for vault or crypt entombment; a structure or place used or intended to be used for the interment of cremated remains; cryogenic storage; or any combination of one or more thereof.

“(6) **CEMETERY AUTHORITY.** Any individual, person, firm, profit or nonprofit corporation, trustee, partnership, society, religious society, church, association or denomination, municipality or other group or entity, however organized, insofar as they or any of them may now or hereafter establish, own, operate, lease, control or manage one or more cemeteries, burial parks, mausoleums, crematories, columbariums or any combination or variation thereof, or hold lands or structures for burial grounds or burial purposes in this state and engage in the operation of a cemetery, including any one or more of the following: the care and maintenance thereof; the interment, entombment or cremation and memorialization of the human dead therein; the sale, installation, care, maintenance or any combination thereof, with respect to monuments, markers, foundations, memorials, burial vaults, urns, crypts, mausoleums, columbariums, flower vases, floral arrangements and other cemetery accessories, for installation or use within a cemetery; and the supervision and conduct of funeral and burial services within the bounds of the cemetery. It is the legislative intent of this chapter that a cemetery authority, to the extent that it engages in any of the foregoing described activities, shall not be affected by this chapter and shall not be deemed to have entered into or engaged in the practice of funeral directing, embalming or funeral establishment operation.

“(7) **FUNERAL ESTABLISHMENTS.** The term ‘funeral home,’ ‘mortuary’ or ‘funeral establishment’ shall be construed to be a place at a specific street address or location where the profession of funeral directing and embalming, as defined in this chapter, is practiced in the care, planning and preparation for burial or cremation or transportation of human dead, but shall not include any

cemetery or land or structure owned, operated, leased, controlled or managed by any cemetery authority as a cemetery. All of such places shall consist of and shall maintain the following facilities:

"a. A preparation room equipped with a sanitary floor and necessary drainage and ventilation and containing necessary approved tables, instruments and supplies for the preparation and embalming of dead human bodies for burial, cremation and transportation.

"b. A display room containing a stock of adult caskets and funeral supplies.

"c. At least one motor vehicle equipped for transporting casketed human remains.

"(8) APPRENTICE EMBALMER or EMBALMER'S APPRENTICE. Any person engaged in the study of the art of embalming under the instructions and supervision of a licensed embalmer practicing in this state.

"(9) APPRENTICE FUNERAL DIRECTOR OR FUNERAL DIRECTOR'S APPRENTICE. Any person operating under or in association with a funeral director for the purpose of learning the business or profession of funeral director, to the end that he may become licensed under the provisions of this chapter.

"(10) MORTUARY SCIENCE. The scientific, professional and practical aspects, with due consideration given to accepted practices, covering the care, preparation for burial or transportation of dead human bodies, which shall include the preservation and sanitation thereof and restorative art and, as such, is related to public health, jurisprudence and good business administration.

"(11) OPERATOR. A person, corporation, firm, legal representative or other organization owning or operating a funeral establishment.

"(12) ACCREDITED SCHOOL or COLLEGE OF MORTUARY SCIENCE. A school or college approved by the Alabama board of funeral service and which maintains a course of instruction of not less than 48 calendar weeks or four academic quarters or college terms and which gives a course of instruction in the fundamental subjects as set forth but not limited to the following:

"a. Mortuary management and administration;

"b. Legal medicine and toxicology as it pertains to funeral directing;

"c. Public health, hygiene and sanitary science;

"d. Mortuary science, to include embalming technique, in all its aspects; chemistry of embalming, color harmony; discoloration, its

causes, effects and treatment; treatment of special cases; restorative art; funeral management; and professional ethics;

“e. Anatomy and physiology;

“f. Chemistry, organic and inorganic;

“g. Pathology;

“h. Bacteriology;

“i. Sanitation and hygiene;

“j. Public health regulations; and/or

“k. Other courses of instruction in fundamental subjects as may be prescribed by the Alabama board of funeral service.

“(13) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION. That funeral service educational organization which is an agency granted official recognition by the United States commissioner of education and which is composed of members representing the American Association of Colleges of Mortuary Science, the Conference of Funeral Service Examining Board of the United States, Inc., the National Association of Colleges of Mortuary Science, the University Mortuary Science Education Association and which has as its object the furtherance of education in the field of funeral service and in fields necessary thereto or allied therewith and further to formulate standards of funeral service education and to grant accreditation to qualified schools and colleges of mortuary science and to do all things incidental to the foregoing.

“(14) FUNERAL SUPPLIES OR FUNERAL MERCHANDISE. Caskets made of any material for use in the burial or transportation of human dead; outer receptacles, when sold by a funeral director, including burial vaults and urns (for cremated human remains); clothing used to dress human dead when sold by a funeral director; and all equipment and accouterments normally required for the preparation for burial or funeral and other disposition of human dead.

“(15) FUNERAL DIRECTOR. A person required to be licensed to practice the profession of funeral directing under the laws of this state, who meets the public, displays and sells or offers to sell funeral merchandise or supplies; who plans details of funeral services with members of the family and minister or any other person responsible for such planning, or who directs, is in charge, or apparent charge of, and supervises such service in a funeral home, church or other places; who enters into the making, negotiation or completion of financial arrangements for funerals, including, but not limited to, the sale and selection of funeral supplies, or who uses in connection with the profession of funeral directing the words or terms ‘funeral

director,' 'undertaker,' 'funeral counselor,' 'mortician' or any other word, term or picture or combination thereof when considered in context in which used, from which can be implied the practicing of the profession of funeral directing or that the person using such word, term or picture can be implied to be holding himself out to the public as being engaged in the profession of funeral directing; provided, for the purposes of this chapter such term or terms shall not include any cemetery authority as herein defined.

“(16) FUNERAL DIRECTING. The practice of directing or supervising funerals or the practice of preparing dead human bodies for burial by means other than embalming, or the preparation for the disposition of dead human bodies; the making of arrangements or providing for funeral services or the selling of or offering for sale funeral merchandise or funeral supplies or the making of financial arrangements for the rendering of said services or the sale of such merchandise or supplies, or the provision or maintenance of a place for the preparation for disposition of dead human bodies, or the use of the words or term ‘funeral director,’ ‘undertaker,’ ‘mortician,’ ‘funeral parlor’ or any other word or term from which can be implied the practice of funeral directing; or the holding out to the public that one is a funeral director or engaged in a practice herein described.

“(b) Nothing in this chapter shall require a funeral director or funeral establishment to have or provide a chapel or to restrict, in any manner, the conduct of funeral services from a church or chapel.

“(c) Nothing contained in the foregoing definition of funeral directing, or in any other provision of this chapter, shall be deemed or construed to be applicable to or to regulate or restrict in any manner cemetery authorities in the conduct of activities of a cemetery authority as defined in this chapter; or to be applicable to or to regulate or restrict, in any manner, the carrying on by any cemetery authority of any and all activities, functions, practices and services which may now or hereafter (i) constitute any part of the operation or management of a cemetery or of the property of a cemetery as defined in this chapter or (ii) otherwise consist of the interment or entombment of the human dead or memorialization of the human dead in any manner within a cemetery property.

“Section 34-13-4. Upon request, the board shall distribute to funeral directors, embalmers and apprentices and such other persons as may be interested therein, in pamphlet form, the provisions of this chapter together with all rules and regulations prescribed, adopted or promulgated pursuant to this chapter, together with a complete and current list of all persons and establishments licensed under this chapter.

"Section 34-13-20. There is hereby created and established the Alabama board of funeral service, consisting of seven members, each of whom shall be citizens of the United States and of the state of Alabama. All members of the former Alabama embalming board who are holding office on September 10, 1975, shall, by virtue of said office, become members of the Alabama board of funeral service for the term ending December 31, 1976; provided, that not more than one member of the Alabama board of funeral service may reside in the same district as herein created under section 34-13-21, and if more than one member of the state embalming board resides in one district at the time of the organization of said board, the governor shall select one member of said embalming board to be a member of the original Alabama board of funeral service from said district, and the other member of said embalming board shall not be eligible for membership on said board.

"At a special meeting called for such purpose, to be held in Montgomery, Alabama within 45 days from September 10, 1975, the Alabama Funeral Directors Association, Incorporated and the Alabama Funeral Directors and Morticians Association, Incorporated, in joint meeting, shall nominate three qualified persons for each of the positions as members of the original board of the Alabama board of funeral service which are not filled by members of the state embalming board. The names of such persons so nominated shall be promptly certified by the secretary of the Alabama Funeral Directors Association, Incorporated, and the Alabama Funeral Directors and Morticians Association, Incorporated, to the governor of the state of Alabama who shall appoint the members of said board from among the persons so nominated; provided, that not more than four members of said board at any time may be members of the same race. Four members shall be appointed for a term ending December 31, 1977, and the board shall be constituted so that the terms of three members of said board will end December 31, 1976, and the terms of four members will end December 31, 1977. The terms of the members of the state embalming board, who become members of the Alabama board of funeral service under this chapter, shall expire December 31, 1976, unless there are more than three such members, in which event, the governor shall designate which of the three members of the state embalming board shall serve for terms ending December 31, 1976, and which shall serve for terms ending December 31, 1977.

"After selection of the original members of the Alabama board of funeral service and during October of each year, all embalmers and all funeral directors licensed under this chapter shall meet in Montgomery, Alabama at a time and date in October and at a place to be fixed by the Alabama board of funeral service for the purpose

of nominating three persons to the governor of Alabama for each vacancy on said board, and the governor shall promptly appoint one of the three persons so nominated.

“The successors to the original members of the Alabama board of funeral service shall be selected for terms of two years. After the terms of the original members of the Alabama board of funeral service, four of said members serving on said board must be practicing and licensed embalmers in Alabama for the last 10 consecutive years immediately preceding their appointment and shall be licensed embalmers and funeral directors in this state under this chapter. Three of said members shall have been actively engaged in funeral directing in Alabama for the last 10 consecutive years preceding their appointment and shall be licensed funeral directors of this state, under this chapter, and shall, at the time of their appointment to the board, be operators of funeral establishments in this state. If the license of a member of said board as a funeral director or embalmer should be revoked or suspended, such member shall automatically, by reason of such revocation or suspension, become ineligible to serve as a member of the board, and a new member, properly qualified, must be selected in the same manner provided for appointment to the board. Should a member fail to qualify after appointment, then he shall automatically become ineligible to serve as a member of the board, and a new member, properly qualified, shall be appointed and shall serve the remainder of the term of the member so terminated. Each member of the board must remain an active practicing funeral director or embalmer and funeral establishment operator during his tenure of service on the board. Each member may be reappointed for one additional two-year term, as provided by this chapter, or new members may be appointed under the terms of this chapter. It is the intent of this chapter that no person shall serve more than a total of four years as a member of the board. In no event shall more than one member of the Alabama board of funeral service reside in one district. At each meeting where nominations are made for members of the board, only one licensed funeral director of each establishment shall have the right to vote for nominees.

“Any state board member who is elected to the national board shall, upon his election, begin to serve the state board in an ex officio capacity only, for the duration of his national board term. A member, properly qualified, shall be selected in the same manner provided for appointment to the state board and shall serve the remainder of the term of the member elected to the national board.

“Section 34-13-22. The Alabama board of funeral service shall hold not less than one meeting quarterly for the purpose of examining applicants for licenses, such meeting to be held at such time and place as the board may determine after notice of such meeting has

been given in the manner prescribed herein at least 15 days prior to such meeting. The board shall not have power to delegate to any person who is not a member of the board the authority to conduct or administer an examination for a license, it being the intent of this chapter that only members of the board may conduct or administer examinations for licenses. The board may hold such other meetings as it may deem necessary. Five or more members shall comprise a quorum. The board shall not meet on the premises of any embalming school or college of mortuary science; and, if any such meeting is held, all the proceedings of such meeting shall be void. If any applications for license under this chapter are pending, the applicant or applicants shall be afforded the right to take the examination required hereunder at the date and place of such quarterly meeting.

"Section 34-13-53. (a) Every licensed funeral director, every licensed embalmer and every licensed operator shall pay annually a fee for renewal of his license. The renewal fees shall be set by the board at a rate not to exceed \$25.00 for licensed embalmers and funeral directors and not to exceed \$100.00 for licensed operators.

"(b) All licenses granted under this chapter shall expire on October 1, following their issuance or renewal, and shall become invalid unless renewed as provided in this section. There shall be no proration of licenses.

"(c) The board shall mail on or before August 1 of each year to each licensed funeral director, to each licensed embalmer and to each licensed operator addressed to him at his last address, a notice that his renewal fee is due and payable and that, if such fee is not paid by October 1, the license shall lapse.

"(d) At the time, or before, a licensee changes place of employment, residence address or makes any other change in status which is of record at the board office, the licensee shall report such change of status, on a form provided by the board, to the executive secretary.

"Section 34-13-72. An applicant for a funeral director's license is entitled to an examination if he:

"(1) Is a citizen of the United States;

"(2) Is at least 18 years of age;

"(3) Has had practical experience as an apprentice for not less than two years within a period of three consecutive years, excluding time lost by interruptions caused by the active duty of the applicant in the military service of the United States or its allies during war or national emergency and excluding time lost by interruptions which the board deems excusable as caused by circumstances beyond the

control of the applicant; and

“(4) Has completed apprenticeship not more than two years prior to taking the examination excluding time lost under the circumstances mentioned in subdivision (3) of this section.

“Section 34-13-92. In order to qualify for a license as an embalmer, the applicant shall:

“(1) Be a citizen of the United States;

“(2) Be over 18 years of age;

“(3) Be of good character;

“(4) Have completed a two-year course of apprenticeship under an embalmer or embalmers licensed and engaged in practice as an embalmer in this state, and the applicant shall have completed the required course of apprenticeship within a period of three consecutive years, excluding time lost by interruption caused by the active duty of the applicant in the military service of the United States or its allies during war or national emergency and excluding time lost by interruptions which the board deems excusable as caused by circumstances beyond the control of the applicant;

“(5) Have completed a course of instruction in an embalming school or college which has been approved by the board as defined in section 34-13-50; and

“(6) Have completed the course of apprenticeship not more than two years before the date of examination, excluding time lost under the circumstances mentioned in subdivision (4) of this section.

“Section 34-13-111. (a) No funeral establishment or branch thereof for the preparation, disposition and care of dead human bodies shall be opened or maintained unless duly licensed by the board. No funeral establishment or branch shall be moved without obtaining a new funeral establishment license from the board.

“(b) The board shall charge a fee of \$35.00 in addition to the license fee for the first inspection of any funeral establishment seeking a license under section 34-13-72 made for the purpose of determining whether such funeral establishment has fulfilled the requirements for licensure hereunder. The board shall charge a fee of \$75.00 for each reinspection necessitated by failure of any funeral establishment to pass such first inspection. All funeral establishments and branches shall be inspected by the board, or its representatives, at least once annually, with an inspection fee of \$35.00, and shall meet and conform to the provisions of this chapter and to such other lawful standards and requirements as may be determined by rule of the board in furtherance of the provisions of this chapter;

and, for failure to do so, the board may revoke such license in accordance with the procedure set forth in this chapter.

“(c) Applications for transfer of a license to another location in the same county shall be made upon blanks furnished by the board and shall be accompanied by a fee of \$25.00. The fee for a new branch or location for a funeral establishment shall be \$250.00. Any change in ownership must be immediately reported to the board.”

Section 2. This amendatory act shall have retroactive effect to January 1, 1977.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-747

H. 509—Rep. Campbell

AN ACT

To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-18-5 and Section 5-19-22, Code of Alabama 1975, are hereby amended to read as follows:

“§ 5-18-5.

“Application for a license shall be in writing, under oath and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors or trustees and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 5-18-6. At the time of making such application, the applicant shall pay to the supervisor the sum of \$100.00 as a fee for investigating the application. All licensees under this chapter shall pay an annual license fee of \$400.00 for each office, branch or place of business of the licensee, which shall be due on October 1 of each year and shall be for a one-year period ending September 30 following and shall be delinquent on November 1 of each year, and there shall be a penalty of 10 percent for each month or portion thereof added to such license fee upon delinquency and collected by the bureau. Two hundred dollars (\$200.00) of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licen-

sees; provided further that in fiscal year 1986, \$250.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1987, \$300.00 of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1988, \$350.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; and provided further that in fiscal year 1989 and thereafter, all such license fees collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees. If any applicant licensed under this chapter for the first time shall commence business after April 1 in any year, the amount of the license fee shall be one half of the amount of a full year's license fee. The amount of the license fee and penalties if any shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama as provided by law. The license provided for in this chapter shall be in addition to all other licenses now or hereafter provided for by law and shall be in addition to the tax provided for by Chapter 16 of Title 40; and the amount of the license fee levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said chapter 16 as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said chapter 16 shall be made on the ground that the license fee levied by this section was not credited upon or deducted from the tax levied by said chapter 16, and no civil action shall lie to enforce any claim of such refund.

“§ 5-19-22.

“(a) No creditor shall engage in the business of making consumer loans or taking assignments of consumer credit contracts without first having obtained a license for each location from the administrator; provided, however, banks chartered by this state or the United States, trust companies, savings or building and loan associations, credit unions, life insurance companies and federally constituted agencies shall be exempt from such licensing.

“(b) The license application shall be in writing, under oath, in the form prescribed by the administrator and shall be accompanied by an investigation fee of \$100.00

“(c) Upon receipt of the application and investigation fee, the administrator shall investigate the applicant and determine whether the license should be issued or denied.

“(d) No license shall be issued unless the administrator determines that the financial responsibility, character and fitness of the applicant, and of the members thereof if the applicant is a partnership or association, officers and directors thereof if the applicant is a corporation are such as to warrant belief that the business will be operated honestly and fairly within the purpose of this chapter and finds that the applicant has assets available for the operation of business under this chapter of a least \$25,000.00.

“(e) Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if

“(1) The administrator has notified the applicant in writing that his application has been denied; or

“(2) The administrator has not issued a license within 60 days after the application for the license was filed.

“A request for a hearing may not be made more than 15 days after the administrator has mailed by certified mail a writing to the applicant notifying him that the application has been denied stating in substance the administrator’s findings supporting denial of the application.

“(f) Any person licensed under the Alabama Small Loan Act may engage in business under the Alabama Small Loan Act, but shall not make loans in excess of \$749.00 unless such person is also licensed under this chapter.

The payment of the license and examination fees required by this chapter shall be in lieu of the license and examination fees required by the Alabama Small Loan Act when the licensee is also licensed under the Alabama Small Loan Act.

“(g) The license shall be in the form prescribed by the administrator, posted conspicuously in the place of business of the licensee and shall not be assignable or transferable or removed to another location without permission of the administrator.

“(h) The annual license fee hereunder shall be \$400.00 for each office, branch or place of business of the licensee, which shall be due on October 1 of each year, and shall be for a one-year period ending September 30 following, and shall be delinquent on November 1 of each year, and there shall be a penalty of 10 percent for each month or part thereof that the licensee is delinquent in the payment of such license fee. Two hundred dollars (\$200.00) of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1986, \$250.00 of each such license fee collected shall be paid into the special fund provided in

Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1987, \$300.00 of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1988, \$350.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; and provided further that in fiscal year 1989 and thereafter, all such license fees collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-748

H. 747—Rep. Langford

AN ACT

Relating to Montgomery County; providing further for the compensation of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Montgomery County shall receive as his compensation \$42,500.00 as the total compensation paid to said judge. Said compensation shall be paid out of the general fund of Montgomery County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-749

H. 815—Reps. Moore, Murphy, Smith

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Wilsonville in Shelby County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Commence at the Northeast corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 21 South, Range 1 E; thence proceed in a Southerly direction along the East boundary of said quarter quarter for a distance of 819.62 feet to the point of beginning, being a point on the 397.00 elevation contour (mean sea level); thence run West a distance of 1,852.46 feet to a point on the East right of way line of County Highway 61, said point being marked by a 6" x 6" concrete post (P. T. Station 435+43.2); thence turn an angle of 59°51'18" to the left and run along said right of way line along a curve to the right (concave Northwesterly and having a radius equal to 2,904.79 feet) for an arc distance of 423.33 feet to the P.C. of a right of way curve; thence continue in the same direction along a right of way line a distance of 370.00 feet, more or less, to the point of intersection with the Northeast margin of an old public road, known as the Old Lokey Ferry Road; thence proceed in a Southeasterly direction along said Northeast margin of said Lokey Ferry road for a distance of 1,450.00 feet, more or less, to the point of intersection with the South boundary line of Section 12, Township 21 South, Range 1 E, being approximately 1,150 feet East of the Southwest corner of said Section 12; thence continue along the Northeast margin of said Lokey Ferry road running in a Southeasterly, Southerly, and Southeasterly direction for a distance of 3,000.00 feet, more or less, to the point of intersection with the South margin of an unpaved public road (running Easterly from said Lokey Ferry road), said point being 600.00 feet, more or less, West and 80.00 feet, more or less, South of the Southeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 21 South, Range 1 E; thence run in an Easterly direction along the South margin of said unpaved public road for a distance of 1200.00 feet, more or less, to a point where said road turns in a Northwesterly direction, said point being 600.00 feet, more or less, East and 200.00 feet, more or less, North of the Southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 21 South, Range 1 East; thence proceed East for a distance of 350.00 feet, more or less, to a point being a point on the 397.00 elevation contour, said point being 950.00 feet, more or less, East and 200.00 feet, more or less, North of the Southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 21 South, Range 1 East; thence proceed along the meanderings of the 397.00 contour line, in a Northwesterly direction to a point on the North line of Section 13, Township 21

South, Range 1 East, said point being 2,700.00 feet, more or less, West of the Northeast corner of said Section 13; thence continue along the meanderings of the 397.00 contour line, in a Northerly direction to the point of beginning. The lands incorporated within the city limits of Wilsonville pursuant to this Act shall not include any lands, including lands subject to flood easements, which are part of any hydroelectric project licensed by the Federal Power Commission, the Federal Energy Regulatory Commission or any successor agency.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within the territory above described voting in a referendum election to be held on the day designated by the probate judge of Shelby County, not less than 20 nor more than 40 days from the date of the enactment of this legislation. The notice of the election shall be given by the probate judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 3, Chapter 42, Title 11, Code of Alabama 1975, insofar as such provisions may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be the adoption of Act No. _____, H.B. _____, of the 1983 Regular Session of the Alabama Legislature, which alters, rearranges and extends the corporate limits of the Town of Wilsonville in Shelby County. The Town of Wilsonville shall pay all of the costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-750

H. 536—Reps. Sasser, Owens, Grimsley,
Turnham, Browder, Ford

AN ACT

To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, § 15-22-23 is hereby amended to read as follows:

(a) Meetings of the board of pardons and paroles shall be held at the call of the chairman or as may be determined by the board.

(b) The board of pardons and paroles shall have no power or authority to tentatively approve, grant or order any pardon, parole, remission of fine or other forfeiture or restoration of civil and political rights unless and until all of the following conditions are met:

(1) The action is taken in an open public meeting of the board held after notice of the meeting has been given to each member of the board in such manner as the board directs; and

(2) Due notice of the time, date and place of the meeting and the action to considered has been given in writing sent by U. S. Mail at least thirty days prior to the meeting to each of the following:

(A) the incumbent Attorney General

(B) the district attorney who prosecuted and the judge who presided over the case; and

(C) the chief of police of the city wherein the crime occurred, if the crime was committed in a city

(D) the sheriff of the county in which the crime was committed

(E) if the district attorney who prosecuted the case or the judge who presided over the case be not living or serving, such notice shall be given to their successors in office

(3) all persons who are required to be notified under the provisions of this act have been allowed, at their option, to either appear before the board or give their views in writing.

(c) "Due notice" as used in subsection (b)(2) of this section shall be defined to include the following:

(1) the name of the prisoner or defendant involved;

(2) the crime for which the prisoner or defendant was convicted;

(3) the date of the conviction;

(4) the court in which the conviction occurred;

(5) the sentence imposed and the actual time in confinement without regard to the operation of any incentive or other good time law;

(6) the action to be considered by the board;

(7) the date, time, and location of the board meeting at which the action is to be considered; and

(8) the right of any interested person to present his views to the board as specified in subsection (b)(3) of this section.

(d) All of the requirements set out in subsections (b) and (c) of this section are express conditions to any board action approving, granting, or ordering any pardon, parole, remission of fine or other forfeiture, or restoration of civil and political rights.

Section 2. Section 15-22-36, of the Code of Alabama 1975, is hereby amended to read as follows:

“§15-22-36.

(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the board of pardons and paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.

(b) Each member of the board of pardons and paroles favoring a pardon, parole, remission of a fine or forfeiture or restoration of civil and political rights shall enter in the file his reasons in detail, which entry and the order shall be public records, but all other portions of the file shall be privileged.

(c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon; and no pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his sentence if his sentence was for less than three years, except upon the unanimous affirmative vote of the board following receipt and filing of clear proof of his innocence of the crime for which he was convicted and the written approval of the judge who tried his case or district attorney or with the written approval of a circuit judge in the circuit where he was convicted if the judge who tried his case is dead or no longer serving.

(d) The board of pardons and paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights until 30 days' written notice that the prisoner is being considered therefor has been given by the board to the Attorney General, the judge and the district attorney who tried the subject's case, the chief of police in the city in which the crime occurred, if the crime was committed in a city, and to the sheriff of the county where convicted, and to the same officials of the county where the crime occurred if different from the county of conviction; provided, however, that if they are dead or not serving, such notice

shall be given to the district attorney, incumbent sheriff and one of the judges of the circuit in which the subject was convicted.

(e) The board of pardons and paroles shall have no power or authority to in any way approve or order any parole, pardon remission of fine or forfeiture, restoration of civil and political rights, furlough, leave or early release of a person who has been convicted of:

(1) A class A felony;

(2) Any felony committed prior to the 1st day of January, 1980 which if committed after the 1st day of January, 1980 would be designated a class A felony;

(3) Any felony involving violence, death or any physical injury to the person of another;

(4) Any felony involving unlawful sexual assault or other unlawful sexual conduct on the person of another;

(5) Any felony involving sexual assault, or a lewd or lascivious act upon a child under the age of 16 years or attempt thereof;

(6) Sexual abuse or any other criminal conduct committed prior to the 1st day of January, 1980 which if committed after the 1st day of January, 1980 would be defined as Sexual Abuse under the Alabama Criminal Code;

(7) Child Abuse or any criminal conduct committed prior to the 1st day of January, 1980 which if committed after the 1st day of January, 1980 would be defined as Child Abuse under the Alabama Criminal Code;

(8) Sodomy or any criminal conduct committed prior to the 1st day of January, 1980 which if committed after the 1st day of January, 1980 would be defined as Sodomy under the Alabama Criminal Code;

(9) Any violation of Section 13A-6-69, Alabama Criminal Code 1975, as amended;

until and unless at least 30 days written notice of the board action to be considered has been given by the board to the victim. Such notice shall be given by U. S. Mail, Certified Mail, Return Receipt Requested, and shall include:

(1) the name of the prisoner or defendant involved;

(2) the crime for which the prisoner or defendant was convicted;

(3) the date of the conviction;

(4) the court in which the conviction occurred;

(5) the sentence imposed;

(6) the actual time the prisoner has been held in confinement without regard to the operation of any incentive good time, or other good time laws;

(7) the action to be considered by the board;

(8) the date, time, and location of the board meeting at which the action is to be considered; and

(9) a statement that all persons required to be notified under the provisions of this act will be allowed, at their option, to either appear before the board or give their views in writing.

Provided however, if the victim is a child such notice shall be given the parents of such victim, or in the event there is no parent, to the guardian of such victim.

Provided further, if such victim is deceased such notice shall be given to the surviving members of such victim's immediate family, or in the event there is no immediate family, to a relative of such victim, if any.

Provided further, such notice may be waived in writing by any person who is entitled to receive such notice.

(f) After any board action is taken granting any pardon or parole, the board shall promptly notify all persons who are entitled to notice, pursuant to any provision of this act as to the action taken by the board and the conditions, if any, of any such parole or pardon.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part remaining.

Section 4. The provisions of this Act are supplemental. It shall be construed in para materia with other laws applicable to pardons and paroles in criminal cases and shall not be construed so as to repeal or supersede any laws not directly in conflict herewith.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 8, 1983

Time: 2:45 P.M.

AN ACT

To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated from the Revenue Sharing funds the following amounts to the agencies and/or programs indicated for the fiscal year ending September 30, 1983:

Department of Education for Direct Client Services for the Handicapped to be distributed as follows:

a. Crippled Children Services Program \$358,060

b. Homebound Program \$200,000

Public Safety, Department of

a. Traffic Control and Accident Prevention Program \$200,000

Civil Defense, Department of

a. Readiness and Recovery Program \$ 50,000

Section 2. The Legislature hereby declares these appropriations to be non-proratable and absolute.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-752

H. 829—Rep. Owens

AN ACT

Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Bibb County a county privilege, license or excise tax up to the following amounts:

(a) Four cents (\$0.04) for each package of cigarette, made of tobacco or any substitute therefor.

(b) Four cents (\$0.04) for each cigar of any description made of tobacco or any substitute therefor.

(c) Four cents (\$0.04) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Four cents (\$0.04) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Four cents (\$0.04) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon adoption by the Bibb County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in Bibb County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer,

or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Bibb County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby authorized, less the actual costs of collection not to exceed five per centum shall be paid by the state Department of Revenue into the County general fund of Bibb County to be expended at the discretion of the county commission.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other

clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 80-425, H. 941, 1980 Regular Session (Acts 1980, p. 586) is hereby specifically repealed.

Section 10. This act shall become effective October 1, 1983.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-753

H. 245—Rep. Coburn

AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1984 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1984 and except as may be otherwise expressly provided, the appropriations herein made shall be

subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Title 41, Chapter 4, Article 4, 1975 Code of Alabama as amended), the provisions of The Budget Management Act of 1976 (Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Section 3:

	ASETF	Trust Funds	Approp. Total
A. STATE AGENCIES			
1. ACADEMY OF HONOR, ALA-BAMA:			
(a) Historical Resources Management Program			950
SOURCE OF FUNDS:			
(1) ASETF—Transfer	950		
Total Alabama Academy of Honor	950		950
2. ARTS AND HUMANITIES, COUNCIL ON THE:			
(a) Fine Arts Program			1,040,822
(b) Outdoor Drama			10,000
(c) National Endowment for the Arts			300,000
The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel De-			

partment of \$627.

SOURCE OF FUNDS:

(1) ASETF—Transfer	750,000		
(2) Federal and Local Funds		600,822	
		<hr/>	
Total Council on the Arts and Humanities	750,000	600,822	1,350,822
		<hr/>	

3. DEBT SERVICE 649,708

(a) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964
For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment: Interest on 16th Section Lands, Estimated	410,000
Interest on School Indemnity Lands, Estimated	90,000
Interest on Valueless 16th Section Lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275
Total Interest on Public School Fund Endowment	532,864

SOURCE OF FUNDS:

(1) ASETF	649,708		
		<hr/>	
Total Debt Service	649,708		649,708
		<hr/>	

4. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Programs	191,000
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SOURCE OF FUNDS:

(1) ASETF	191,000
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Total Board of Dental Scholar- ship Awards	191,000	191,000
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(To be expended under the
provision of Title 16, Chapter
47, Sections 76 through 81,
1975 Code of Alabama as
amended.)

5. EDUCATION, DEPARTMENT
OF:

(a) Administrative Services Pro- gram	11,143,902
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The proposed
spending plan for
the above is as fol-
lows:

Compact for Edu- cation	32,000
Operations and Maintenance of Department	1,894,822
Telephone Net- work Fund, Estimated	1,390,000

SOURCE OF FUNDS:

(1) ASETF	3,316,822	
(2) Federal and Local Funds		7,827,080

Total Administrative Services Program	3,316,822	7,827,080	11,143,902
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The above appropriation shall
include a transfer to the State
Personnel Department of
\$80,255.

(b) Adult Education Program	3,521,512
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The proposed spending plan
for the above is as follows:

Adult Basic Educa- tion	1,550,000
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Community Education	200,000		
SOURCE OF FUNDS:			
(1) ASETF	1,750,000		
(2) Federal and Local Funds		1,771,512	
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Total Adult Education Program	1,750,000	1,771,512	3,521,512
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(c) Direct Client Services for the Handicapped			39,182,018
To be distributed by the Department of Education as follows:			
Crippled Children Services Program ..	4,631,867		
Handicapped Recreation Program ..	186,000		
(To provide recreation and services at a year-round accredited handicapped recreation facility.)			
Hemophilia Program	279,000		
Homebound Program	2,000,000		
Rehabilitation Services Program	6,166,675		
SOURCE OF FUNDS:			
(1) ASETF	13,263,542		
(2) Federal and Local Funds		25,918,476	
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Total Direct Client Services for the Handicapped	13,263,542	25,918,476	39,182,018
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(d) Emergency Medical Services Education Program			1,500,000
To be distributed by the Department of Education as follows:			
(1) Birmingham Regional Emergency Medical System	250,000		
(2) East Alabama Emergency Medical Services, Inc.	250,000		

- (3) North Alabama Emergency Medical Services, Inc. 250,000
- (4) Southeast Alabama Emergency Medical Services System, Inc. 250,000
- (5) Southwest Alabama Emergency Medical Services Council, Inc. 250,000
- (6) West Alabama Emergency Medical Services, Inc. 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF 1,500,000

Total Emergency Medical Services Education Program	1,500,000	1,500,000
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(e) Financial Assistance Program . 183,623,995

The proposed spending plan for the above is as follows:

Basic Skills Program 165,464

Elementary Teachers Scholarships ... 25,000

(To be paid in accordance with Title 16, Chapter 23, Section 17, 1975 Code of Alabama as amended) Emergency Secondary Teachers Scholarships 100,000

(To be paid in accordance with Title 16, Chapter 23, Sections 18 through 23, 1975 Code of Alabama as amended.)

SOURCE OF FUNDS:

(1) ASETF	290,464		
(2) Federal and Local Funds		183,333,531	

Total Financial Assistance Program	290,464	183,333,531	183,623,995
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(f) Instructional Technical Assistance Program			7,363,513
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The proposed spending plan for the above is as follows:

Career Education ..	98,000
Instructional Technical Assistance ...	523,441
Special Education Administration	450,000
Vocational Education Administration	651,000

SOURCE OF FUNDS:

(1) ASETF	1,722,441		
(2) Federal and Local Funds		5,641,072	

Total Instructional Technical Assistance Program	1,722,441	5,641,072	7,363,513
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(g) Local Agency Support Program			10,303,028
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The proposed spending plan for the above is as follows:

Driver Education, School Bus Driver Training and Vehicle Safety Inspection	205,000
Free Textbooks ...	7,887,700
School Facilities and Architectural Services	71,000
Testing	500,000
Guidance and Counseling	50,000

SOURCE OF FUNDS:

(1) ASETF	8,713,700		
(2) Federal and Local Funds		1,589,328	

Total Local Agency Support Program	8,713,700	1,589,328	10,303,028
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(h) Regulation Program			1,159,557
The proposed spending plan for the above is as follows:			
Teacher Certifica- tion and Accredita- tion	257,105		
SOURCE OF FUNDS:			
(1) ASETF	257,105		
(2) Federal and Local Funds		902,452	
Total Regulation Program	257,105	902,452	1,159,557
(i) Support of Other Educational Activities Program			9,300
The proposed spending plan for the above is as follows:			
Education of De- pendents of Blind Parents	9,300		
SOURCE OF FUNDS:			
(1) ASETF	9,300		
Total Support of Other Educa- tional Activities Program	9,300		9,300
<p>For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College in which ben- efits are given to dependents of blind parents under the provi- sions of Title 16, Chapter 33, Section 4, 1975 Code of Ala- bama as amended.</p>			
(j) Support of State Universities Program			50,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds		50,000	
Total Support of State Univer- sities Program		50,000	50,000
(k) Projects—Vocation Rehabilita- tion/Crippled Children Ser- vices Program			484,000

SOURCE OF FUNDS:

(1) Federal and Local Funds .	484,000		
Total Projects—Vocation reha- bilitation/Crippled Children Services Program		484,000	484,000

(1) Disability Determination for Social Security Pro- gram			17,540,041
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SOURCE OF FUNDS:

(1) Federal and Local Funds .	17,540,041		
Total Disability Determination for Social Security Program . . .		17,540,041	17,540,041

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	30,823,374		
(2) Federal and Local Funds .		245,057,492	

GRAND TOTAL DEPART- MENT OF EDUCATION	30,823,374	245,057,492	275,880,866
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6. EXAMINERS OF PUBLIC AC-
COUNTS:

(a) Legislative Support-Audit Ser- vices Program			1,100,000
For purposes of auditing all phases of public education.			

SOURCE OF FUNDS:

(1) ASETF—Transfer	1,100,000		
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Total Examiners of Public Ac- counts	1,100,000		1,100,000
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7. FINE ARTS, ALABAMA SCHOOL
OF:

(a) Fine Arts Program			1,016,254
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SOURCE OF FUNDS:

(1) ASETF	815,670		
(2) Federal and Local Funds .		200,584	

Total Alabama School of Fine Arts	815,670	200,584	1,016,254
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8. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCATION
COMMISSION, ALABAMA:

- (a) Professional and Occupational
Licensing and Regulation
Program 105,946
- The appropriation to the Ala-
bama Firefighters' Personnel
Standards and Education Com-
mission shall include a transfer
to the State Personnel Depart-
ment of \$188.

SOURCE OF FUNDS:

(1) ASETF—Transfer	105,946	
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Total Alabama Firefighters' Personnel Standards and Edu- cation Commission	105,946	105,946
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9. HEALTH, DEPARTMENT OF
PUBLIC:

- (a) Health Support Services Pro-
gram for Public School Food
Sanitation 195,794
- (b) Personal Health Improvement
Program.
- (1) Perinatal Activities 791,706

Provided, however, that the
above appropriation shall be
expended only for the continu-
ation of a perinatal program
whose expenditure guidelines
shall be developed in conjunc-
tion with the Perinatal Advi-
sory Committee of the State
Committee on Public Health.
Such guidelines shall be com-
prehensive enough to serve as a
statewide perinatal plan in
meeting federal matching re-
quirements.

- (2) Immunization Activities .. 200,000
- For immunization of pre-
school children and stu-
dents.

SOURCE OF FUNDS:

(1) ASETF—Transfer	1,187,500	
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Total Department of Public Health	1,187,500	1,187,500
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10. HIGHER EDUCATION, ALA-
BAMA COMMISSION ON:

(a) Planning & Coordination Services Program	944,100
(b) Support of Other Educational Activities Program	5,091,703
(Of the above program \$3,000,000 of the ASETF funds shall be expended for the Alabama Student Grant Program in accordance with Title 16, Chapter 33A, Sections 1 through 11, 1975 Code of Alabama as amended.)	

SOURCE OF FUNDS:

(1) ASETF	3,944,100
(2) Federal and Local Funds	2,091,703

Total Alabama Commission on Higher Education	3,944,100	2,091,703	6,035,803
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11. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALA-
BAMA:

(a) Industrial Training Program ..	1,503,000
SOURCE OF FUNDS:	
(1) ASETF	1,450,000
(2) Federal and Local Funds ..	53,000

Total Alabama Industrial Development Training Institute ..	1,450,000	53,000	1,503,000
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12. EMPLOYEES' INSURANCE,
STATE

1,140,000

SOURCE OF FUNDS:

(1) ASETF	1,140,000
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Total State Employees' Insurance	1,140,000	1,140,000
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13. STATE BOARD OF EDUCA-
TION—JUNIOR COLLEGE

SCHOOL SYSTEM:

(a) Postsecondary Two Year Institutions Program	74,634,018
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SOURCE OF FUNDS:

(1) ASETF	45,084,825		
(2) Federal and Local Funds		6,963,956	
(3) State Funds		250,174	
(4) Other Funds		16,637,397	
(5) Auxiliary Enterprises		5,697,666	
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Total Junior College School System	45,084,825	29,549,193	74,634,018
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This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

- (A) \$200,000 to each Junior College.
- (B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1982-83 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1982-83 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit producing programs in Alabama Correctional Insti-

tutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

- (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior college; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-13 not more than the sum of \$308,569 may be used by

the State Board of Education-Postsecondary Education Department for administration of the Junior College School System.

14. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program		251,068
SOURCE OF FUNDS:		
(1) ASETF	251,068	
Total Alabama Law Institute ..	251,068	251,068

15. THEODORE A. LAWSON STATE COMMUNITY COLLEGE:

(a) Postsecondary Two Year Institutions Program		15,000
SOURCE OF FUNDS:		
(1) ASETF	15,000	
Total Theodore A. Lawson State Community College	15,000	15,000

16. LEGISLATURE:

(a) House Operations & Support Program		940,500
(b) Senate Operations & Support Program		627,000
(c) Legislative Data Processing Program		200,000
SOURCE OF FUNDS:		
(1) ASETF-Transfer	1,767,500	
Total Legislature	1,767,500	1,767,500

17. LIBRARY SERVICE, PUBLIC:

(a) Public Library Service Program		4,727,983
The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$3,765.		
SOURCE OF FUNDS:		
(1) ASETF	3,494,490	

(2) Federal and Local Funds ..		1,233,493	
Total Public Library Service ..	3,494,490	1,233,493	4,727,983

18. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			800,000
SOURCE OF FUNDS:			
(1) ASETF	600,000		
(2) Federal and Local Funds ..		200,000	
Total Marine Environmental Sciences Consortium	600,000	200,000	800,000

19. MEDICAL SCHOLARSHIPS
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			704,000
SOURCE OF FUNDS:			
(1) ASETF	704,000		
Total Board of Medical Schol- arships Awards	704,000		704,000

(To be expended under the
provisions of Title 16, Chapter
47, Sections 121 through 129,
1975 Code of Alabama as
amended.)

20. MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:

(a) Financial Assistance Program ..			519,589,766
SOURCE OF FUNDS:			
(1) ASETF	474,913,281		
(2) Public School Fund		40,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program and Public School Fund	474,913,281	44,676,485	519,589,766

The above appropriation shall
be paid in accordance with Ti-
tle 16, Chapter 13, Sections 50
through 59, 1975 Code of Ala-
bama as amended, and all other

legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1983-84 is based on 22,972 teacher units.

It is provided in the event there are more than 22,972 earned teacher units for the fiscal year 1983-84, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$392,341,017. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	2,623.11	\$ 49,555,794
I	17,689	12,846.14	227,235,370
II	15,401	7,502.75	115,549,853
III	12,967	0	0
IV	11,261	0	0
		<u>22,972.00</u>	<u>\$392,341,017</u>

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$73,173,171. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,490,194.

For "Principal Supplement" an amount not to exceed the total of \$2,297,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall

not exceed the sum of \$50,138,184.

21. STATE BOARD OF EDUCATION-
LOCAL BOARDS:

(a) Financial Assistance Program . 278,636,066

SOURCE OF FUNDS:

(1) ASETF . 278,636,066

Total State Board of Educa- tion-Local Boards .	278,636,066	278,636,066
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To be distributed by the State
Board of Education for:

- (a) Hospital Medical or Dental In-
surance Assistance for Profes-
sional Staff, Support Staff, and
Adult School Bus

Drivers . 21,444,990

Of the appropriation herein-
above made for Hospital Medi-
cal or Dental Insurance there is
hereby appropriated the sum of
three hundred fifty seven dol-
lars (\$357.00) per annum per
teacher, administrative super-
visory unit, full-time support
employee, and adult school bus
driver, provided that no more
than \$357.00 shall be appropri-
ated per person.

- (b) Teachers' Sick Leave 3,500,000
Of the appropriation herein-
above made for Teachers' Sick
Leave, the rate of not more
than \$17 per day is hereby ap-
propriated.

- (c) Support Personnel Sick
Leave . 1,431,781
Of the appropriation herein-
above made for support per-
sonnel sick leave in accordance
with Title 16, Chapter 1, Sec-
tion 18, 1975 Code of Alabama
as amended, the rate of not
more than \$17 per day is
hereby appropriated.

- (d) Teachers' Personal

Leave 957,707

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace

Fees 9,457,230

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-12 for all teachers employed (except ESEA Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance 5,630,287

(g) Continuation of funds previously granted for Special Education 21,844,551

(h) Special Schools for Special Education 2,148,000

To be distributed by the State Board of Education as follows: \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Bir-

mingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$30,000 shall be allocated to the Geneva County Day Care and Training Center; \$150,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$35,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$10,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Title 16, Chapter 39, Section 3, 1975 Code of Alabama as amended, and P.L. 94-142.

- (i) Kindergarten teacher
units 29,600,990
The above appropriation is for 1,500 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$24,725,705. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	58.35	\$ 1,102,348
I	17,689	620.85	10,982,216
II	15,401	820.80	12,641,141
		1,500.00	\$24,725,705

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$4,777,980. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$97,305.

- (j) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 13,211,272
The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$11,098,649. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	74.03	\$ 1,398,575
I	17,689	362.57	6,413,501
II	15,401	213.40	3,286,573
		650.00	\$11,098,649

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$2,070,458. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,165.

(k) Supportive Teacher

Units 34,093,756

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (i), and Continuation Teacher Units in (j). The above appropriation is for 1,674 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,652,938. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	208.37	\$ 3,936,526
I	17,689	937.17	16,577,600
II	15,401	528.46	8,138,812
		1,674.00	\$28,652,938

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$5,332,226. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,592.

(1) Special Education

Teacher Units 66,856,182

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$55,493,064. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	370.00	\$ 6,990,040
I	17,689	1,813.00	32,070,157
II	15,401	<u>1,067.00</u>	<u>16,432,867</u>
		3,250.00	\$55,493,064

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$10,352,290. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(m) Driver Education

Teacher Units 5,951,173

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,008,618. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	36.90	\$ 697,115
I	17,689	180.73	3,196,933
II	15,401	<u>72.37</u>	<u>1,114,570</u>
		290.00	\$ 5,008,618

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$923,743. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$18,812.

(n) Vocational Education 62,508,147

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$62,508,147, \$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the above appropriation for Vocational Education, one unit shall be allocated to the Vinemont High School in Cullman County.

22. NURSING, ALABAMA BOARD
OF:

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram 687,500
The appropriation to the Ala-
bama Board of Nursing shall
include a transfer to the State
Personnel Department of \$816.

SOURCE OF FUNDS:

- | | | | |
|---|--------|---------|---------|
| (1) ASETF-Transfer—as pro-
vided in Title 34, Chapter
21, Sections 60 through 63,
1975 Code of Alabama as
amended | 57,000 | | |
| (2) Alabama Board of Nursing
Trust Fund—as provided
in Title 34, Chapter 21,
1975 Code of Alabama as
amended | | 630,500 | |
| | | <hr/> | |
| Total Alabama Board of Nurs-
ing | 57,000 | 630,500 | 687,500 |
| | | <hr/> | |

23. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:

- (a) Professional and Occupational
Licensing and Regulation Pro-
gram 146,998
(b) Certified Law Enforcement
Academy Program 450,000
The appropriation to the Ala-
bama Peace Officers' Standards
and Training Commission shall
include a transfer to the State
Personnel Department of \$188.

SOURCE OF FUNDS:

- (1) ASETF 146,998

- (2) Alabama Peace Officers' Standards and Training Fund—as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended

450,000

Total Alabama Peace Officers' Standards and Training Commission

146,998

450,000

596,998

24. PHYSICAL FITNESS, COMMISSION ON:

- (a) Advisory Services Program ...
The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$251.

155,000

SOURCE OF FUNDS:

- (1) ASETF

155,000

Total Commission on Physical Fitness

155,000

155,000

25. STATE BOARD OF EDUCATION-POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION SYSTEM:

- (a) Postsecondary Two Year Institutions Program

57,412,479

SOURCE OF FUNDS:

- (1) ASETF

37,755,071

- (2) Federal and Local Funds

2,124,780

- (3) State Funds

649,526

- (4) Other Funds

12,413,558

- (5) Auxiliary Enterprises

4,469,544

Total Postsecondary Vocational-Technical Education System

37,755,071

19,657,408

57,412,479

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The formula for a given program

may not differ between schools. The application of the formula shall be standard for all schools. Technical schools with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition. The above appropriation is to be distributed to the following Vocational-Technical Schools:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnellely State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Divi-

sion (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$308,569 may be used by the State Board of Education-Postsecondary Education Department for administration of the Postsecondary Vocational-Technical Education System.

26. PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA:

(a) Special Services Program		1,915,000
SOURCE OF FUNDS:		
(1) ASETF	1,915,000	
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Total Alabama Public School and College Authority	1,915,000	1,915,000
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27. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated		279,200
SOURCE OF FUNDS:		
(1) ASETF	279,200	
<hr/>		
Total Employees' Retirement System of Alabama (ASETF Share)	279,200	279,200
<hr/>		

28. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated		193,000,000
SOURCE OF FUNDS:		
(1) ASETF—Teachers' Retirement System, Estimated	169,309,000	

(2) ASETF—Teachers' Special Pension Fund, Estimated			
		23,691,000	
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Total Teachers' Retirement System of Alabama (ASETF Share)			
		193,000,000	193,000,000
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29. SHELTON STATE COMMUNITY COLLEGE-ALABAMA STATE FIRE COLLEGE:			
(a) Postsecondary Two Year Institutions Program			
			527,697
SOURCE OF FUNDS:			
(1) ASETF			
		227,993	
(2) Federal and Local Funds			
			299,704
<hr/>			
Total Shelton State Community College-State Fire College			
		227,993	299,704
			527,697
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30. SOCIAL SECURITY (ASETF SHARE):			
(a) For State's share of Social Security, Estimated			
			97,000,000
SOURCE OF FUNDS:			
(1) ASETF			
		97,000,000	
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Total Social Security (ASETF Share)			
		97,000,000	97,000,000
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31. TENURE COMMISSION, STATE:			
(a) Regulation Program			
			8,000
SOURCE OF FUNDS:			
(1) ASETF			
		8,000	
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Total State Tenure Commission			
		8,000	8,000
<hr/>			
32. TELEVISION COMMISSION, EDUCATIONAL:			
(a) Educational TV Services Program			
			2,785,678
(b) Public Radio Services Program			
			235,484
The appropriation to the Edu-			

cational Television Commission shall include a transfer to the State Personnel Department of \$5,271.

SOURCE OF FUNDS:

(1) ASETF	2,121,162		
(2) Federal and Local Funds		900,000	
<hr/>			
Total Educational Television Commission	2,121,162	900,000	3,021,162
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**33. UNEMPLOYMENT
COMPENSATION-LOCAL
BOARDS:**

3,156,145

SOURCE OF FUNDS:

(1) ASETF, Estimated	3,156,145		
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Total Unemployment Compensation Local Boards	3,156,145		3,156,145
<hr/>			

34. VETERANS' EDUCATION BENEFITS:

(a) Administration of Veterans' Affairs Program	2,200,000
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SOURCE OF FUNDS:

(1) ASETF-Transfer	2,200,000		
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Total Veterans' Education Benefits	2,200,000		2,200,000
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The above appropriation includes pro rata administration costs of the Department of Veterans Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Title 31, Chapter 5, 1975 Code of Alabama as amended.

35. YOUTH SERVICES, DEPARTMENT OF:

- (a) Youth Services Program 11,262,560
 The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$21,209.

SOURCE OF FUNDS:

(1) ASETF	10,318,769	
(2) Federal and Local Funds		943,791

Total Department of Youth Services	10,318,769	943,791	11,262,560
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(To be expended in accordance with Title 44, Chapter 1, 1975 Code of Alabama as amended.)

B. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

- (a) Support of Other Educational Activities Program 5,200

SOURCE OF FUNDS:

(1) ASETF	5,200	
Total American Legion and Auxiliary Scholarships	5,200	5,200

(To be expended under the provisions of Title 16, Chapter 31, Sections 1 through 4, 1975 Code of Alabama as amended.)

2. SYLACAUGA NURSES TRAINING SCHOOL:

- (a) Support of Other Educational Activities Program 84,600

SOURCE OF FUNDS:

(1) ASETF	84,600	
Total Sylacauga Nurses Training School	84,600	84,600

3. DAR SCHOOL:

- (a) Support of Other Educational Activities Program 17,000

SOURCE OF FUNDS:

(1) ASETF	17,000	
Total DAR School	17,000	17,000

4. ENVIRONMENTAL QUALITY
ASSOCIATION, ALABAMA:

The Alabama Legislature recognizes:

(1) the limited funding sources that are available at this time for the delivery of State services; (2) the important contribution to the public that is being made by the Alabama Environmental Quality Association; and (3) the sound financial status that said Association has achieved. Now, therefore, the Alabama Legislature hereby authorizes the continued operation of the Alabama Environmental Quality Association for the 1983-84 fiscal year, and that such operation during that time period be funded from said Association's own funding sources.

Section 4:

COLLEGES, UNIVERSITIES AND
SCHOOLS

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

A. The University

1. Operations and Maintenance	37,632,677	25,682,000	63,314,677
2. Gadsden Educational Program	206,000	79,000	285,000
3. Center for Emotionally Disturbed Children	548,000	30,000	578,000
4. Legal Education/Research	185,000		185,000
5. Nursing Scholarships	18,000		18,000
6. Capstone Medical Center	862,000	665,130	1,527,130
7. Alabama Museum of Natural History	172,000	67,900	239,900
8. College of Community Health Sciences Medical Education	2,503,000	141,200	2,644,200
9. Research, Extension and Public Service	2,139,000	353,956	2,492,956
10. School of Mines and Energy Development	1,883,000		1,883,000

11. Advocacy Program for the Developmentally Disabled	25,000	25,000
12. Emergency Medical Services	145,000	145,000
13. Rural Infant Stimulation Environment Program	169,000	169,000
14. High Risk Nursery	117,000	117,000
15. Safe State and Research and Development Program	378,000	378,000
16. Auxiliary Enterprises	21,707,774	21,707,774
17. Restricted Funds	13,218,000	13,218,000

SOURCE OF FUNDS:

(1) ASETF	46,982,677
(2) Other Funds	61,944,960

Total University of Alabama ..	46,982,677	61,944,960	108,927,637
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B. University of Alabama in Birmingham

1. University College	15,826,766	17,506,748	33,333,514
2. Family Practice Residency Programs	1,598,836		1,598,836
The above appropriation shall be expended for residency programs as follows:			
Anniston	251,726		
East End	251,726		
Jefferson County ..	251,726		
Montgomery	251,726		
Selma	340,206		
Gadsden	251,726		
3. School of Medicine	17,391,769	11,620,000	29,011,769
4. University Hospitals	5,952,098	146,497,186	152,449,284
5. School of Optometry	2,403,236	1,571,140	3,974,376
6. School of Community and Allied Health	2,190,921	994,700	3,185,621
7. Regional Technical Institute	1,969,736	245,300	2,215,036
8. Joint Health Sciences	3,219,285	942,000	4,161,285
9. Department of Pediatrics	417,145		417,145
10. Center for Labor Education and Research	320,789		320,789
11. Student Nurses Loans	12,000		12,000
12. Urban Research and Public Service	512,005		512,005
13. School of Dentistry	7,688,697	4,188,100	11,876,797
14. Nursing Scholarships	88,000		88,000
15. System Medical Education Program	502,693		502,693
16. School of Nursing	3,430,027	1,167,281	4,597,308
17. Health-Related Research and Public Service	2,903,774		2,903,774

18. Public Health Research Program . . .	143,534		143,534
19. Emergency Medical Service and Training	164,630		164,630
20. Medical Genetics Program	389,501		389,501
21. Hypertension Research	399,351		399,351
22. Multipurpose Arthritis Center	399,351		399,351
23. School of Engineering and Business	438,869		438,869
24. School of Public Health	1,508,672	352,380	1,861,052
25. Montgomery Internal Medical Resi- dency	234,959		234,959
26. Research Development & Relations	149,409		149,409
27. Center for Basic Sciences Reward for Cystic Fibrosis	85,000		85,000
28. Center for Diagnosis and Treatment of Congenital Heart Disease	85,000		85,000
29. Special Mental Health		3,559,382	3,559,382
Of this amount, \$205,094 shall be expended for Psychiatric Research			
30. Center for Developmental and Learning Disorders		718,596	718,596
31. Biomedical Sciences Program	75,000		75,000
32. Diabetes Research Center	200,000		200,000
33. Auxiliary Enterprises		8,056,200	8,056,200
34. Restricted Funds		48,000,000	48,000,000

SOURCE OF FUNDS:

(1) ASETF	70,701,053		
(2) Special Mental Health Trust Fund		4,277,978	
(3) Other Funds		241,141,035	

Total University of Alabama in Birmingham	70,701,053	245,419,013	316,120,066
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C. University of Alabama in Huntsville

1. Operations and Maintenance	7,999,666	10,803,898	18,803,564
2. Nursing Scholarships	18,000		18,000
3. School of Primary Medical Care	2,812,903	135,947	2,948,850
4. Johnson Environmental and Energy Center	361,154	7,529	368,683
5. Ambulatory Care Center	848,017	582,000	1,430,017
6. School of Nursing	937,457	285,582	1,223,039
7. Paramedic Training	123,468	31,629	155,097
8. Alabama Solar Energy Center	356,667	7,441	364,108
9. Center for Management and Eco- nomic Research	46,800		46,800
10. Community Medicine Rural Pre- ceptorship Program	32,538		32,538
11. Research Institute	150,000	136,574	286,574

12. Auxiliary Enterprises	2,356,632	2,356,632	
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SOURCE OF FUNDS:

(1) ASETF	13,686,670		
(2) Other Funds		14,347,232	

Total University of Alabama in Huntsville	13,686,670	14,347,232	28,033,902
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II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operations and Maintenance	9,512,416	12,182,000	21,694,416
2. Vocational Teacher Training	264,595		264,595
3. Cooperative Extension, Research and Service	300,000		300,000
4. Auxiliary Enterprises		4,586,995	4,586,995

SOURCE OF FUNDS:

(1) ASETF	10,077,011		
(2) Other Funds		16,768,995	

Total Alabama A & M Univer- sity	10,077,011	16,768,995	26,846,006
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III. Board of Trustees of Alabama State University

A. Alabama State University

1. Operations and Maintenance	8,702,976	9,325,326	18,028,302
2. Auxiliary Enterprises		4,095,482	4,095,482

SOURCE OF FUNDS:

(1) ASETF	8,702,976		
(2) Other Funds		13,420,808	

Total Alabama State Univer- sity	8,702,976	13,420,808	22,123,784
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IV. State Board of Education

A. Athens State College

1. Operations and Maintenance	2,025,676	890,369	2,916,045
2. Auxiliary Enterprises		202,088	202,088

SOURCE OF FUNDS:

(1) ASETF	2,025,676		
(2) Other Funds		1,092,457	
Total Athens State College ...	2,025,676	1,092,457	3,118,133

V. Board of Trustees of Auburn University

A. Auburn University

1. Operations and Maintenance	41,970,326	41,507,352	83,477,678
2. Educational Television	386,506		386,506
3. Center for Vocational and Adult Education	548,910		548,910
4. Clinical Psychology	120,760		120,760
5. Ralph Draughon Library	225,000		225,000
6. Engineering Experiment Station ...	1,169,351		1,169,351
7. Public Service, Research and Ex- tension	396,159		396,159
8. Energy Research	282,971		282,971
9. Food Animal Health & Disease Research	350,000		350,000
10. Auxiliary Enterprises		21,823,360	21,823,360

SOURCE OF FUNDS:

(1) ASETF	45,449,983		
(2) Other Funds		63,330,712	
Total Auburn University	45,449,983	63,330,712	108,780,695

B. Agricultural Experiment Station

1. Operations and Maintenance	8,701,497	11,476,975	20,178,472
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SOURCE OF FUNDS:

(1) ASETF	8,701,497		
(2) Other Funds		11,476,975	

Total Agricultural Experiment
Station

8,701,497 11,476,975 20,178,472

C. Cooperative Extension Service

1. Operations and Maintenance	9,440,710	9,935,891	19,376,601
2. Retirement	1,400,000		1,400,000

SOURCE OF FUNDS:

(1) ASETF	10,840,710		
(2) Other Funds		9,935,891	

Total Cooperative Extension Service	10,840,710	9,935,891	20,776,601
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D. Auburn University at Montgomery

1. Operations and Maintenance	7,177,834	6,839,365	14,017,199
2. Montgomery Area Community Health Sciences Institute	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	75,647	243,398
4. Auxiliary Enterprises		1,803,079	1,803,079
5. Nursing Scholarships	18,000		18,000

SOURCE OF FUNDS:

(1) ASETF	7,414,534	
(2) Other Funds		8,718,091

Total Auburn University at Montgomery	7,414,534	8,718,091	16,132,625
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VI. Board of Trustees of Jacksonville State University

A. Jacksonville State University

1. Operations and Maintenance	11,942,641	7,540,000	19,482,641
2. Gadsden Educational Programs	464,000	25,000	489,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama ..	100,793		100,793
5. Vocational Teacher Training	100,793		100,793
6. Auxiliary Enterprises		2,587,468	2,587,468

SOURCE OF FUNDS:

(1) ASETF	12,626,227	
(2) Other Funds		10,152,468

Total Jacksonville State University	12,626,227	10,152,468	22,778,695
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VII. Board of Trustees of Livingston University

A. Livingston University

1. Operations and Maintenance	4,200,680	1,435,455	5,636,135
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		1,604,722	1,604,722

SOURCE OF FUNDS:

(1) ASETF	4,218,680		
(2) Other Funds		3,040,177	
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Total Livingston University ...	4,218,680	3,040,177	7,258,857

VIII. Board of Trustees of University of Montevallo

A. University of Montevallo

1. Operations and Maintenance	6,189,577	3,784,221	9,973,798
2. School for Aphasie Children	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	69,597		69,597
5. Auxiliary Enterprises		2,924,185	2,924,185
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SOURCE OF FUNDS:

(1) ASETF	6,617,048		
(2) Other Funds		6,708,406	
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Total University of Montevallo	6,617,048	6,708,406	13,325,454

IX. Board of Trustees of University of North Alabama

A. University of North Alabama

1. Operations and Maintenance	8,527,617	5,941,013	14,468,630
2. Research and Public Service	250,000		250,000
3. Nursing Scholarships	18,000		18,000
4. Auxiliary Enterprises		2,318,006	2,318,006
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SOURCE OF FUNDS:

(1) ASETF	8,795,617		
(2) Other Funds		8,259,019	
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Total University of North Alabama	8,795,617	8,259,019	17,054,636

X. Board of Trustees of University of South Alabama

A. University of South Alabama

1. Operations and Maintenance	12,540,960	21,681,008	34,221,968
2. Medical Research and Public Service	284,223		284,223
3. Family Practice Residency Program	568,293		568,293
4. College of Medicine	9,285,484	5,092,958	14,378,442

5. Medical Center Hospital	1,144,714	39,349,557	40,494,271
6. College of Allied Health	770,640	281,300	1,031,940
7. School of Nursing	709,493	320,930	1,030,423
8. Nursing Scholarships	18,000		18,000
9. Paramedic Training Program	140,808	75,000	215,808
10. Newborn Growth and Development Program	80,834		80,834
11. Birth Defects and Genetic Center ..	199,587		199,587
12. Research, Public Service and Ex- tension	92,916	60,000	152,916
13. Basic Medical Sciences	276,400	75,000	351,400
14. Auxiliary Enterprises		6,457,386	6,457,386

SOURCE OF FUNDS:

(1) ASETF	26,112,352	
(2) Other Funds		73,373,139

Total University of South Ala- bama	26,112,352	73,373,139	99,485,491
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XI. Board of Trustees of Troy State Univer-
sity

A. Troy State University

1. Operations and Maintenance at Troy	7,661,057	7,041,245	14,702,302
2. Operations and Maintenance at Ft. Rucker/Dothan	1,158,262	1,410,610	2,568,872
3. Operations and Maintenance at Montgomery	417,999	1,531,200	1,949,199
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	112,471	160,000	272,471
6. Library at Montgomery	120,000		120,000
7. School of Nursing-Montgomery	250,000	1,075	251,075
8. Branch Campus at Phenix City	219,341	310,894	530,235
9. Auxiliary Enterprises		3,853,925	3,853,925

SOURCE OF FUNDS:

(1) ASETF	9,975,130	
(2) Other Funds		14,308,949

Total Troy State University ..	9,975,130	14,308,949	24,284,079
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XII. Board of Trustees for Alabama Institute
for Deaf and Blind

1. Children and Youth Programs	6,478,326	1,026,438	7,504,764
2. E. H. Gentry Technical Facility	1,865,476	2,158,545	4,024,021

3. Industries for the Blind	577,090	9,722,592	10,299,682
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SOURCE OF FUNDS:

(1) ASETF	8,920,892		
(2) Other Funds		12,907,575	

Total Alabama Institute for Deaf and Blind	8,920,892	12,907,575	21,828,467
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Section 5.

A. Paramedic Training at Trenholm State Technical College			125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000		
Total Paramedic Training at Trenholm State Tech- nical College	125,000		125,000

Section 5.**A. SPECIAL MENTAL HEALTH FUND:**

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,559,382 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$718,596 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$450,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars

(\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution of 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty million dollars (\$40,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-20(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1984, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1984.

Section 6. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 7. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county and education entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

Section 8. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not af-

fect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 9. This act shall become effective on October 1, 1983.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-754

H.J.R. 384—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

WHEREAS, the Alabama Legislature expresses utmost commendation of Mrs. Mona Fricks for outstanding service to the Albertville Library, Albertville, Alabama; and

WHEREAS, Mrs. Fricks, who serves as library director, has been associated with the library since its establishment, and recently completed her "first 30 years" of outstanding service as a librarian; and

WHEREAS, during her distinguished tenure, Mrs. Fricks has seen the Albertville Library's collection grow from a few thousand books to some 57,000 volumes now on the shelves; also, there are 19,804 registered borrowers from throughout Marshall, DeKalb, Etowah and Blount Counties; and

WHEREAS, Mrs. Fricks indeed is to be commended for her long years of dedicated service and, most particularly, for her priority interest in the youth and students who have so greatly benefitted from her wise selection of available materials; and

WHEREAS, it is further to be most commendably noted that Mrs. Fricks, who was educated at the University of Alabama, has continued her training through additional studies at the University of Denver, and through attendance at numerous conferences and seminars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Mona Fricks of Albertville, Alabama, for outstanding service to the Albertville Library, and direct that she receive a copy of this resolution tendered in sincere warm praise and regard.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-755

H.J.R. 386—Reps. Poole, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING VICTOR F. MITCHELL UPON HIM
REACHING HIS NINETIETH MILESTONE.

WHEREAS, on August 6, 1983, the Honorable Victor F. Mitchell of Northport, Alabama, will be ninety-one (91) years of age, and

WHEREAS, Mr. Mitchell is the father of our beloved Representative, Earl Mitchell of Northport, Alabama, and

WHEREAS, Mr. Mitchell has reared a large and respected family, much beloved by all of the citizens of Tuscaloosa County, Alabama, and

WHEREAS, the Town of Northport, the City of Tuscaloosa and the County of Tuscaloosa has proclaimed Saturday, August 6, 1983 as Victor F. Mitchell Day in Tuscaloosa County, and

WHEREAS, the Governor of Alabama has expressed his intention of appointing Mr. Mitchell as an Honorary Lieutenant Colonel on the Governor's Staff, and

WHEREAS, the Legislature of Alabama wishes to honor Mr. Mitchell on his day,

NOW THEREFORE BE IT RESOLVED, by the Legislature of Alabama, both Houses thereof concurring, that this body does congratulate Victor F. Mitchell upon him reaching his ninetieth milestone and does wish for him a long, happy and successful life.

BE IT THEREFORE FURTHER RESOLVED, that a copy of this Resolution be forwarded to Mr. Mitchell and a copy be forwarded to the Tuscaloosa News.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-756

H.J.R. 383—Reps. Coleman, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman,

Gaston, Goodwin,
 Grimsley, Grouby,
 Hall, Hammett,
 Harper, Harvey,
 Hettinger, Holley,
 Holmes, Horn,
 Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F.), White (L.),
 Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

WHEREAS, since 1979, Mrs. Linda Bowen has been in charge of the vending machines in the State Capitol and is responsible for purchasing merchandise, loading the machines, preparing sales reports and overseeing all other phases of this business activity; and

WHEREAS, Mrs. Bowen received her training in the Business Enterprise Program for the Blind at the E. H. Gentry Technical Fa-

cility in Talladega, Alabama, a program which is administered by the Division of Rehabilitation and Crippled Children Service of the State Department of Education; and

WHEREAS, it was at the E. H. Gentry Technical Facility that Mrs. Bowen met and married her husband, Mr. Gary Bowen, who also is a vendor with the Business Enterprise Program for the Blind; and

WHEREAS, Mrs. Bowen, who previously operated a business in Gadsden, also is active in community affairs, serving as secretary of the Montgomery Chapter of the Randolph-Sheppard Vendors of America and as a teacher of pre-school age children at Trinity Bible Church; and

WHEREAS, our friend, Mrs. Bowen, is a shining example of innumerable Alabamians who, despite their handicaps, are productive and responsible citizens to be emulated by all who seek success in life through the fruits of their own labor and the self-satisfaction of accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Linda Bowen of Montgomery, Alabama, and the innumerable independent and productive blind citizens throughout the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mrs. Bowen receive a copy of this resolution tendered in sincere regard and in great admiration of her accomplishments.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-757

H.J.R. 395—Reps. Drake, Casey

HOUSE JOINT RESOLUTION

COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

WHEREAS, Dr. Robert Lawson Bryan, a graduate of Dothan High School and of Tulane University, cum laude, received the Master of Divinity degree, also cum laude, from Emory University and the Doctor of Ministry Studies degree from Candler School of Theology in Atlanta; and

WHEREAS, currently serving, and since 1980, as pastor of

Montgomery's Dexter Avenue United Methodist Church, Dr. Bryan previously served pastorates in Opelika, Alabama, and in Panama City, Florida; and

WHEREAS, Dr. Bryan, throughout his ministry, has assumed numerous Church related responsibilities in addition to those associated with his pastoral assignments; and

WHEREAS, he has served variously as chairman of the Sunday School Committee of the Alabama-West Florida Conference, as a member of the Episcopacy Committee of the conference, as chairman of the Marianna District Council on Ministries and the Noah's Ark Board of Directors, and as president of the Bay County, Florida, Ministerial Association; he has been a District Youth Coordinator for four years and currently serves as vice-president of Nellie Burge Community Center Board of Directors; and

WHEREAS, Dr. Bryan additionally has served as Pastor of the Day for the Alabama Legislature and, on a number of occasions, has graciously responded to our requests to fulfill such duties on extremely short notice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Robert Lawson Bryan, Pastor of the Dexter Avenue United Methodist Church, Montgomery, Alabama; we further express our deep appreciation for his service, above and beyond the call of duty, to the Legislature and direct that he receive a copy of this resolution in declaration of our sincere gratitude and warmest personal regard.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-758

H.J.R. 397—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. Johnny Louis Clark of Epes, Alabama, is a 1975 graduate of Livingston High School, where he excelled in academics, extra curricular activities and leadership, having been president of the student body, president of the Future Farmers of America, president of his senior class and very active in the school drama program; and

WHEREAS, Mr. Clark graduated from Miles University in 1979, where he continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, while at Miles, Mr. Clark was most particularly active in the Miles' Mummers, for whom he both wrote and directed, as well as acted, in plays which were presented throughout the community; and

WHEREAS, Mr. Clark was on the Dean's List his entire college career; and

WHEREAS, his activities on campus also included being named in 1977-78 to Who's Who Among American University and College Students, and in 1979, after serving an internship with the National Convention of Black Mayors, he was selected by his fellow interns as Intern of the Year; and

WHEREAS, Mr. Clark is currently working on his Master's Degree in Urban Affairs at Southern Illinois University, where he has consistently been on the Dean's List, and has completed serving his internship in the City of East St. Louis; and

WHEREAS, Mr. Clark has throughout his life rendered service to his community by his activities with the youth in the various high schools, writing, producing, and directing plays that have been produced in many of the schools and throughout the community; and

WHEREAS, Mr. Clark has also served his community through his involvement in church affairs, serving as a Sunday School teacher and writing and producing religious plays for the young people of the church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Johnny Louis Clark of Epes, Alabama, for outstanding achievement and for distinguished service to his community.

BE IT FURTHER RESOLVED, That Mr. Clark receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

Approved August 5, 1983

Time: 4:30 P.M.

Albright, Ashley,
 Bennett, Biddle, Blake,
 Blakeney, Boles,
 Bowling, Box,
 Brakefield, Brooks,
 Browder, Bryant,
 Buskey, Butler,
 Campbell, Carter,
 Casey, Clark, Clikas,
 Coburn, Coleman,
 Cosby, Crow, Davis,
 Drake, Drinkard,
 Dutton, Escott, Faulk,
 Flowers, Ford, Freeman,
 Gaston, Goodwin,
 Grouby, Hall, Hammett,
 Harper, Harvey,
 Hettinger, Holmes,
 Horn, Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim,
 Laird, Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillan, Manley,
 Martin, Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F.), White (L.),
 Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

REQUESTING GOVERNOR GEORGE C. WALLACE TO PE-

TITION THE PRESIDENT TO DECLARE GENEVA AND HOUSTON COUNTIES A FEDERAL DISASTER AREA.

WHEREAS, tomato producers in Geneva and Houston Counties have suffered financial disaster as a result of weather conditions thus far in 1983; and

WHEREAS, excessive rains in February and early March were followed by unseasonably cold weather into the month of April, thereby delaying normal maturation of the crop; and

WHEREAS, problems were further compounded by an additional delay in harvesting the crop, again due to excessive rain, causing tomatoes to ripen in the fields and to fill with water, becoming unfit for shipment; and

WHEREAS, the normal shipping time for Geneva and Houston County tomatoes falls between June 1 and July 10, filling a marketing void between Florida crops and those from California and South Carolina; and

WHEREAS, this year, however, the few tomatoes salvaged by Alabama's producers and those from Florida, California and South Carolina were all shipped at the same time causing a market glut and a resultant depressed price for tomatoes; and

WHEREAS, having invested between \$1500 to \$2000 per acre in their crops, hundreds of Alabama's tomato producers are facing financial ruin; may already have outstanding loans and will need additional financing for fall planting and for next year's crop; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge Governor George C. Wallace to petition the President to declare Geneva and Houston Counties a federal disaster area; we further would request the Governor to intervene on behalf of Alabama's tomato producers and ask for consideration from the Farmers Home Administration and other lending institutions in assisting these growers in every possible way.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace with copies also sent to all members of Alabama's Congressional Delegation.

Approved August 5, 1983

Time: 4:30 P.M.

AN ACT

To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Section 2. Section 16-13-52, Code of Alabama 1975, is hereby amended to read as follows:

“§ 16-13-52. (a) In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each 28 pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein; provided, that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each 28 pupils in such increase in average daily attendance for such current year.

“(b) Any teacher units which are lost as a result of a decrease in average daily attendance, shall be allocated for the funding of a kindergarten program, based on a formula developed by the State Board of Education, until such kindergarten program is properly funded. Properly funded is defined as a time (on a statewide basis) when one teacher unit or (supervised) teacher aide is funded for every twenty (20) kindergarten students. Local school boards shall have the discretion to use such units for (supervised) teacher aides in the kindergarten program in lieu of additional certified teachers; provided, however, that any remaining funds saved by using teacher aides in lieu of certified teachers must be utilized in some aspect of the kindergarten program by said local school boards; and further provided that, subject to the approval of the state superintendent of education, up to twenty-five percent (25%) of the units which would have been lost due to decreased average daily attendance may be used to fund a compulsory remedial summer school program, if and when such program is established by the legislature.

“(c) In the event of natural disaster, epidemic or other occur-

rence that may cause pupil average daily attendance during the first four scholastic months of the school year to be abnormal and below usual and customary levels, the affected school board may petition the state superintendent of education to seek his approval for the use of an alternate four month reporting period during the same scholastic year. The state superintendent of education shall be authorized to approve such petitions after proper examination of the facts and evidence presented."

Section 3. This act shall become effective October 1, 1984.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-761

S.J.R. 256—Senator Foshee

SENATE JOINT RESOLUTION

CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

WHEREAS, the Legislature created the Joint Interim Oil and Gas Study Committee, Act 83-122, Second Special Session 1983; and

WHEREAS, said Committee will stand discharged upon making its final report in the Regular Session of the members' last year of their term of office; and

WHEREAS, the Committee has recognized the need for a permanent Oil and Gas Study Committee to make a continuing study of the oil and gas industry in our State and to report findings to the Legislature and Governor on an annual basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, effective January 1, 1984, there is hereby created the Alabama Oil and Gas Study Committee to study the oil and gas industry, the laws pertaining thereto, exploration and production of oil and gas in this State, its regulation, the fiscal opportunity and liabilities for the State, the impact of the oil and gas industry on our State, and all facets thereof.

BE IT FURTHER RESOLVED, That the Committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created and that the Committee shall be composed of a total of ten (10) members, five (5)

of which shall be appointed by the presiding officer of the Senate and five (5) of which shall be appointed by the Speaker of the House, all of which appointments shall be made no sooner than January 1, 1984, and not later than 10 days following the commencement of the 1984 Regular Session of the Legislature. The members shall serve until the expiration of the term of office of the appointing authority and the membership of the Committee shall be constituted as follows: the presiding officer of the Senate shall appoint three (3) members of the Senate, and one (1) additional member from a list of three (3) nominees from among the membership of the Alabama-Mississippi Division of the Mid Continent Oil and Gas Association, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field; the presiding officer of the House shall appoint three (3) members of the House of Representatives, and one (1) additional member from a list of three (3) nominees from among the Alabama membership of the Alabama Petroleum Council, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field. The State Oil and Gas Supervisor and Commissioner of the Department of Conservation shall serve as ex officio, non-voting, advisory members of the Committee. The Committee shall meet within 10 days following the commencement of the 1984 Regular Session of the Legislature, whereupon the first order of business shall be to elect a chairman and vice chairman from among the appointed membership of the Committee. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the Chairman, the Secretary of Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require, and that the Chairman shall be authorized to employ within the limit of funds available to the Committee any person, persons, firms or corporations deemed necessary by the Chairman to carry out the duties, functions and purposes of the Committee. Each member of the Committee shall be entitled to regular Legislative compensation, per diem, and travel expenses within or without the State for each day the member is on business of the Committee or attends meetings when the Legislature is not in Session or is in recess without pay provided however non-legislative members shall be entitled to said compensation without regard to whether the Legislature is in session. The sum of Thirty Thousand Dollars annually shall be made available to the Committee for its use from any funds appropriated to the use of the legislature. Such sums shall be paid on warrants drawn by the state comptroller upon requisition of the Chairman and in accordance with law; provided, however, the total of such sums shall not exceed Thirty Thousand Dollars annually.

BE IT FURTHER RESOLVED, That the Committee be empowered to call witnesses to testify under oath and the members and staff of the State Oil and Gas Board, other State agencies and the employees thereof shall furnish, upon request of the Committee or any member thereof, any and all information, data and documents which the Committee may need or request to carry out the functions and duties of the Committee, and the Chairman of the Committee shall have the power to issue subpoenas and subpoena duces tecum pursuant to the Alabama Rules of Civil Procedure.

BE IT FURTHER RESOLVED, That the Committee shall make its report, findings and recommendations to the Legislature, Governor and any State agencies during each Regular Session of the Legislature.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-762

S.J.R. 185—Senator Bedford

SENATE JOINT RESOLUTION

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Burdick-West Memorial Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Burdick-West Memorial Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Burdick-West Memorial Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved August 5, 1983

Time: 4:15 P.M.

Act No. 83-763

S.J.R. 252—Senator Kirkland

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

WHEREAS, the Legislature of Alabama grievously notes the death of Mr. Herbert P. Feibelman, Jr., of Mobile, Alabama, on June 29, 1983, at the age of just 50 years; and

WHEREAS, a native of Vicksburg, Mississippi, Mr. Feibelman received his undergraduate degree from the University of Alabama where he was Phi Beta Kappa, and his law degree from the University of Chicago; and

WHEREAS, at the time of his death, Mr. Feibelman was the senior partner of his law firm, was serving as vice president of the Mobile Bar Association and was president of the Spring Hill Avenue Temple; and

WHEREAS, Mr. Feibelman was involved in leadership capacity in numerous of the social, civic, charitable and professional affairs of the area including the National Federation of Temple Brotherhood, International Parents Organization of the Alexander Graham Bell Association for the Deaf, Alabamians Interested in Deafness, the Mobile Junior Chamber of Commerce, America's Junior Miss Pageant, the American Bar Association and the Mobile Rotary Club; and

WHEREAS, he also was a member of the Country Club of Mobile, the Bienville Club and the Isle Dauphine Club; and

WHEREAS, the death of Mr. Feibelman has indeed left a deep void in the hearts of all those whose lives he touched; his death also has been deeply felt by those members of the profession he served—his peers who recognized him as a "lawyer's lawyer," in high compliment and in tribute to his ability and great knowledge of the law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Herbert P. Feibelman, Jr., of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Phyllis Brown Feibelman, his two sons, Samuel Frederic and Phillip Lawrence Feibelman, and other family members whose sorrow we share and to whom copies of this resolution shall be sent.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-764

S.J.R. 263—Senator Bedford and Mitchell

SENATE JOINT RESOLUTION

HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

WHEREAS, Lance Qualmann is an ideal young American teenager; and

WHEREAS, Lance Qualmann has adopted the ten Lads to Leaders pledges; and

WHEREAS, Lance Qualmann has demonstrated remarkable intellectual ability by memorizing and quoting the entire Sermon on the Mount from Jesus; and

WHEREAS, Lance Qualmann has spoken in Montgomery, Childersburg, Tallassee and Luverne, before the Maxwell Air Force Chaplain School, and on WSFA and WCOV Television; and

WHEREAS, Lance Qualmann has been trained to be a goodwill ambassador for Alabama through Lads to Leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby appoint Lance Qualmann an official Ambassador of Goodwill on behalf of the State of Alabama.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-765

S.J.R. 255—Senator Hilliard

SENATE JOINT RESOLUTION

CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

WHEREAS, Calvin C. Otto recently retired as Administrator of the Lloyd Noland Hospital after a 41 year career in health care; and

WHEREAS, Calvin Otto began his health care career in 1942 at the Tennessee Coal, Iron and Railroad Company's Employees' Hospital, rising from Maintenance Engineer to Hospital Administrator; and

WHEREAS, Calvin Otto also was active in numerous professional organizations such as: the Lloyd Noland Hospital Foundation Board, the Board of Directors of the Iron and Steel Credit Union, the Birmingham Regional Hospital Council, was a charter member of the Hospital Engineer's Society of the Alabama Hospital Association; and

WHEREAS, Calvin C. Otto was presented the Alabama Hospital Association's Distinguished Service Award during the Association's 62nd Annual Meeting;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby congratulate Calvin C. Otto on receiving the Distinguished Service Award of the Alabama Hospital Association for his 41 year career in health care in Alabama.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-766

S.J.R. 276—Senator Mitchem

SENATE JOINT RESOLUTION

NOTING THE 100th ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

WHEREAS, the Henryville United Methodist Church has been located on its present site near Guntersville, Alabama, since 1883; the wood frame house of worship was constructed from lumber barged down the Tennessee River from Chattanooga and hauled by wagon from Gunter's Landing; and

WHEREAS, the current church roll contains many family names which can be found in the earliest existing record of a mem-

bership roll dating to 1868; and

WHEREAS, under its present pastor, The Reverend Kenneth A. Dunivant, the Henryville Church continues its dedicated service in traditional concern for the entire community; and

WHEREAS, prior to the late 1930's, the Henryville Church served as the community's school house and has long been the facility used for public debates, political rallies, Literary Society meetings and singings; and

WHEREAS, the growth, building activity and Christian service of the Henryville United Methodist Church was recognized outside the community in 1965 as the Rural Church of the Year by the Town and County Commissions of the North Alabama Conference; and

WHEREAS, most recently, church members have provided leadership in county service agencies such as CASA, Council on Aging and Hospice, and, as always, have been responsive to all those in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of its 100th Anniversary and in recognition of a century of Christian witness and service, we hereby most highly commend the Henryville United Methodist Church and its present congregation of 218 faithful members.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to The Reverend Kenneth A. Dunivant, pastor, on behalf of the membership of the Henryville United Methodist Church.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-767

S.J.R. 289—Senator Little

SENATE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.

WHEREAS, as head coach of Auburn University's track teams for the past 20 of his 28-year Auburn University tenure, Coach Mel Rosen is Dean of Southeastern Conference Track Coaches; and

WHEREAS, prominently posted in Auburn's sports annals, Coach Rosen's record reveals 51 SEC outdoor champions, 37 indoor

champions and a phenomenal dual meet record of 69-21-1; and

WHEREAS, he also has coached 69 All-Americans, directed Auburn to four consecutive SEC Indoor Championship Titles from 1977-1980, and his Tigers have finished no lower than third in the SEC in 11 of the past 20 seasons; and

WHEREAS, Coach Rosen was selected Coach of the Year by both the SEC and NCAA in indoor and outdoor competition in 1978, the same year Auburn finished 2nd at the NCAA Indoor Championships; and

WHEREAS, the Auburn University Tigers, under his leadership, have finished in the Top Ten in the NCAA Championships, both indoors and outdoors, for five consecutive years, 1977-1981; and

WHEREAS, Coach Rosen, who is a New York native and a graduate of the University of Iowa, is a past president of the United States Track Coaches Association and has managed the U. S. track team at the 1979 Pan-American Games and the 1977 University Games in Bulgaria among others; he currently serves as Chairman of the Olympic Development Committee; and

WHEREAS, further, the first Alabama Annual Sports Festival, held July 16, 1983, on the Auburn University Campus, was coordinated by Coach Rosen; the event serves as a first-phase for Alabama athletes to qualify for the Olympics through participation in the National Sports Festival from which U. S. Olympic teams are selected; and

WHEREAS, as a result of Coach Rosen's national recognition for this accomplishments at Auburn, he has been selected to coach the sprint and relay teams for the XXIII Olympiad in Los Angeles; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great pride of his accomplishments, we hereby most highly commend Auburn University Head Track Coach Mel Rosen on his outstanding career.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Rosen in small token of our regard and in deep appreciation for his contributions to the Auburn University Track Program.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-768

S.J.R. 306—Senator Foshee

SENATE JOINT RESOLUTION**ENDORISING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.**

WHEREAS, law enforcement officers of the State of Alabama and its cities and counties are charged with the duty and responsibilities of protecting the lives and the property of the citizens and visitors of this State, and

WHEREAS each day the law enforcement officers of this State face bodily harm and possible death while carrying out their duties, and

WHEREAS each year a number of our law enforcement officers pay the supreme sacrifice while lawfully performing their duties of protecting the lives of law abiding citizens from the criminal element, and

WHEREAS the State of Alabama has never recognized these fallen heroes with a lasting memorial, and

WHEREAS the Fraternal Order of Police, Alabama State Lodge, wishes to erect a permanent memorial to their brothers who gave their lives in the line of duty, and

WHEREAS the Fraternal Order of Police wishes to erect a monument on the Alabama State Capitol grounds, and

WHEREAS the monument erected will be of such design that it will complement the Capitol and Capitol grounds, and

WHEREAS such monument will be erected at a location to be approved by the Governor of the State of Alabama and the committee on Building and Grounds and the Fraternal Order of Police.

NOW THEREFORE be it resolved that this Alabama State Legislature 1983 Regular Session endorses and approves of the Fraternal Order of Police erecting this memorial to the law enforcement officers of the State of Alabama who have given their lives while in the lawful performance of their duties.

Approved August 5, 1983

Time: 4:30 P.M.

Act No. 83-769

S.J.R. 318—Senator Teague

SENATE JOINT RESOLUTION

PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

WHEREAS, from the discovery of America to the present, traditions, customs and laws have recognized our national dependency on God and the religious nature of the American people; and

WHEREAS, America is founded upon the recognition of the right to individual religious beliefs; and

WHEREAS, every president of the United States, from George Washington to Ronald Reagan, has placed our nation under the protection of the Almighty; and

WHEREAS, our dependence on God is acknowledged in the constitution of all fifty states; and

WHEREAS, the Jewish people in the State of Alabama, desirous of findings ways to pass on America's moral and spiritual heritage to our youth through the public school system; and

WHEREAS, the Jewish community will soon be observing the holiest days of the Jewish year, Holy Day of Rosh Hashanah, on Thursday, September 8; and

WHEREAS, they will also celebrate on Saturday, September 17, the Day of Atonement, or Yom Kippur; and

WHEREAS, there needs to be a great gesture from this State to serve as an example of the importance and support placed upon the religious beliefs of the Jewish Citizen of Alabama; and

WHEREAS, the Jewish faith requires individuals to spend those holiest of holy days in worship and in abstinence from all secular activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we pay tribute to the faith and devotion of the Jewish community for their valiant effort in encouraging good government and happiness of mankind through religion, morality and knowledge.

Approved August 5, 1983

Time: 4:30 P.M.

AN ACT

To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of fifty thousand dollars (\$50,000.00) is hereby appropriated from the general fund in the state treasury not otherwise appropriated for the relief, use and benefit of John W. Bailey who contracted "histo-plasmosis" after being ordered against his objections into an area known to be infested. The Legislature finds and declares that the disease contracted by the said John W. Bailey occurred under such circumstances as to constitute a moral and just claim against the State of Alabama, yet the claimant has no recourse at law. The comptroller is hereby authorized and directed to draw a warrant in favor of the said John W. Bailey for the amount herein stated.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-771

H. 236—Rep. Coburn

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

General Fund	Trust Funds	Appropriation Total
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program	3,650,000
The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of \$8,220.	

SOURCE OF FUNDS:

(1) State General Fund	3,650,000
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Total Department of Examin-

ers of Public Accounts	3,650,000	3,650,000
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2. LEGISLATIVE COUNCIL:		
(a) Legislative Operations and Support Program		180,000
(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)		
SOURCE OF FUNDS:		
(1) State General Fund	180,000	
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Total Legislative Council	180,000	180,000
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3. LEGISLATIVE FISCAL OFFICE:		
(a) Legislative Operations and Support Program		449,675
SOURCE OF FUNDS:		
(1) State General Fund	449,675	
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Total Legislative Fiscal Office ..	449,675	449,675
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4. LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program		725,000
The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$502.		
SOURCE OF FUNDS:		
(1) State General Fund	725,000	
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Total Legislative Reference Service	725,000	725,000
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5. LEGISLATURE:		
(a) Senate Operations and Support Program		1,214,495
(b) House Operations and Support Program		1,821,743

SOURCE OF FUNDS:

(1) State General Fund	3,036,238	
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Total Legislature	3,036,238	3,036,238
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6. LEGISLATURES, NATIONAL
CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		53,359
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SOURCE OF FUNDS:

(1) State General Fund	53,359	
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Total National Conference of State Legislatures	53,359	53,359
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B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		791,160
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SOURCE OF FUNDS:

(1) State General Fund	791,160	
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Total Court of Civil Appeals ..	791,160	791,160
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2. COURT OF CRIMINAL AP-
PEALS:

(a) Court Operations Program		1,243,209
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SOURCE OF FUNDS:

(1) State General Fund	1,243,209	
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Total Court of Criminal Ap- peals	1,243,209	1,243,209
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3. JUDICIAL INQUIRY COMMIS-
SION:

(a) Administrative Services Pro- gram		73,511
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SOURCE OF FUNDS:

(1) State General Fund	73,511	
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Total Judicial Inquiry Commis- sion	73,511	73,511
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4. JUDICIAL RETIREMENT SYS-
TEM:

(a) Retirement Systems Program			1,216,200
SOURCE OF FUNDS:			
(1) State General Fund	1,216,200		
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Total Judicial Retirement Sys- tem	1,216,200		1,216,200
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5. SUPREME COURT:			
(a) Court Operations Program			3,062,524
SOURCE OF FUNDS:			
(1) State General Fund	3,047,524		
(2) Federal, Local and Miscel- laneous Funds		15,000	
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Total Supreme Court	3,047,524	15,000	3,062,524
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6. UNIFIED JUDICIAL SYSTEM:			
(Administrative Office of Courts)			
(a) Court Operations Program			43,231,519
(b) Administrative Services Pro- gram			3,171,701
(c) Judicial Education and Train- ing Program			300,000
SOURCE OF FUNDS:			
(1) State General Fund	46,703,220		
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Total Unified Judicial System	46,703,220		46,703,220
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C. EXECUTIVE			
1. ACADEMY OF HONOR, ALA- BAMA:			
(a) Historical Resources Manage- ment Program			850
SOURCE OF FUNDS:			
(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	850		
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Total Alabama Academy of Honor	850		850
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:			
(a) Professional and Occupational			

Licensing and Regulation Program		246,065
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SOURCE OF FUNDS:

- | | | |
|---|---------|--|
| (1) Alabama State Board of Public Accountancy Fund As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant. | 246,065 | |
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Total Alabama State Board of Public Accountancy	246,065	246,065
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3. ADJUSTMENT, BOARD OF:

- | | | |
|------------------------------------|--|---------|
| (a) Special Services Program | | 182,750 |
|------------------------------------|--|---------|

SOURCE OF FUNDS:

- | | | |
|--|---------|--|
| (1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama | 12,750 | |
| (2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated | 170,000 | |

Total Board of Adjustment ...	182,750	182,750
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4. AERONAUTICS, DEPARTMENT OF:

- | | | |
|--|--|---------|
| (a) Airport Development and Aeronautical Support Program ...
The appropriation to the Department of Aeronautics shall | | 666,613 |
|--|--|---------|

include a transfer to the State
Personnel Department of \$314.

SOURCE OF FUNDS:

(1) Airport Development Fund	666,613		
As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama ...			
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Total Department of Aeronau- tics	666,613	666,613	
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for Elderly Program	13,459,892		
The appropriation to the Com- mission on Aging shall include a transfer to the State Person- nel Department of \$1,004.			

SOURCE OF FUNDS:

(1) State General Fund- Transfer	837,432		
(2) Federal, Local and Miscel- laneous Funds	12,622,460		
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Total Commission on Aging ...	837,432	12,622,460	13,459,892
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**6. AGRICULTURAL CENTER
BOARD:**

(a) Agricultural Development Ser- vices Program	521,344		
The appropriation to the Agri- cultural Center Board shall in- clude a transfer to the State Personnel Department of \$753.			

SOURCE OF FUNDS:

(1) State General Fund	102,000		
For expense and awarding of prizes for fairs as pro- vided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund- Transfer	260,944		
(3) Livestock Coliseum Fund	158,400		
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Total Agricultural Center

Board	362,944	158,400	521,344
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			26,714
SOURCE OF FUNDS:			
(1) State General Fund	26,714		
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Total Alabama Agricultural and Industrial Exhibit Commission	26,714		26,714
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8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services Program			982,481
(b) Agricultural Inspection Services Program			9,499,486
(c) Laboratory Analysis and Disease Control Program			2,762,514
(d) Agricultural Development Services Program			675,894
(e) Agricultural Arena			25,000
The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$28,551.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	5,944,718		
(2) Federal, Local and Miscellaneous Funds		1,243,657	
(3) Shipping Point Inspection Fund		4,557,000	
Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and			

charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund		2,200,000	
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Total Department of Agriculture and Industries	5,944,718	8,000,657	13,945,375
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9. AIR TRANSPORTATION AND SERVICES, DEPARTMENT OF:

(a) Administrative Support Services Program			1,795,928
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,695,928		
(2) Departmental Receipts		100,000	
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Total Department of Air Transportation and Services ..	1,695,928	100,000	1,795,928
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10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program		22,413,093
(b) Licensing, Regulation and Enforcement Program		6,903,324
(c) Administrative Services Program		4,051,120
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$64,694, and to the Department of Mental Health of \$1,000,000.		

SOURCE OF FUNDS:

(1) ABC Board Fund	33,367,537
In addition to the above appropriations herein made, there is hereby ap-	

propriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and

population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	33,367,537	33,367,537
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11. ARCHITECTS, BOARD FOR REGISTRATION OF:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 140,000 |
|--|---------|
- The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$126.

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 | 140,000 |
|--|---------|

Total Board for Registration of Architects	140,000	140,000
--	---------	---------

12. ARCHIVES AND HISTORY:

- | | |
|---|---------|
| (a) Historical Resources Management Program | 855,938 |
|---|---------|
- The appropriation to Archives and History shall include a transfer to the State Personnel Department of \$2,886.

SOURCE OF FUNDS:

(1) State General Fund	855,938		
<hr/>			
Total Archives and History ...	855,938		855,938
<hr/>			

13. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program			4,368,558
(b) Fair Marketing Practices Program			334,029
The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of \$9,350.			

SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,702,812		
(2) Transfer from Pensions and Security		511,457	
(3) Federal, Local and Miscellaneous Funds		488,318	
<hr/>			
Total Office of the Attorney General	3,702,812	999,775	4,702,587
<hr/>			

14. AUDITOR, STATE:

(a) Fiscal Management Program ..			696,231
The appropriation to the State Auditor shall include a transfer to the State Personnel Department of \$1,569.			

SOURCE OF FUNDS:

(1) State General Fund	696,231		
<hr/>			
Total State Auditor	696,231		696,231
<hr/>			

15. BANKING DEPARTMENT, STATE:

(a) Charter, License, and Regulate Financial Institutions Program ..			2,148,790
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of			

\$3,075.

SOURCE OF FUNDS:

(1) Banking Assessment Fees As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.	1,683,100	
(2) Bureau of Credit Unions As provided in Title 5, Chapter 17, Article 7, and Chapter 2A, Article 5, 1975 Code of Alabama.	201,700	
(3) Loan Examination Fund As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.	263,990	
Total State Banking Depart- ment	2,148,790	2,148,790

16. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Pro- gram	756,045
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SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama	756,045	
Total Alabama State Bar Asso- ciation	756,045	756,045

17. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program	224,179
---	---------

SOURCE OF FUNDS:

(1) State General Fund	42,179	
(2) Federal, Local and Miscel- laneous Funds	182,000	
Total Bear Creek Development Authority	42,179	182,000
		224,179

18. BRIERFIELD IRONWORKS
PARK:

(a) Outdoor Recreation Sites and Services Program			101,529
SOURCE OF FUNDS:			
(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		76,529	

Total Brierfield Ironworks Park	25,000	76,529	101,529
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19. BUILDING COMMISSION:

(a) Special Services Program	791,289		
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$1,192.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	150,000		
(2) Federal, Local and Miscellaneous Funds		641,289	

Total Building Commission	150,000	641,289	791,289
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20. CAHABA ADVISORY COMMITTEE:

(a) Historical Resources Management Program			21,250
SOURCE OF FUNDS:			
(1) State General Fund	21,250		
Total Cahaba Advisory Committee	21,250		21,250

21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			36,500
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama		36,500	

Total Alabama State Board of Chiropractic Examiners	36,500	36,500
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**22. EMERGENCY MANAGEMENT
AGENCY, ALABAMA:**

(a) Readiness and Recovery Program	2,730,772
The appropriation to the Alabama Emergency Management Agency shall include a transfer to the State Personnel Department of \$2,008.	

SOURCE OF FUNDS:

(1) State General Fund- Transfer	710,021		
(2) Federal, Local and Miscellaneous Funds		2,020,751	
Total Department of Civil Defense	710,021	2,020,751	2,730,772

23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program	684,813
(b) Outdoor Recreation Sites and Services Program	10,293,594
(c) Marine Police Management Program	2,034,321
(d) Wildlife and Game Program ..	11,733,496
Of the above appropriation to the Wildlife and Game Program, \$875,000 shall be allocated for capital outlay purposes for construction and improvements for boat ramps on public streams and for construction and improvements on public fishing lakes.	
(e) Marine Resources Management Program	1,358,410
(f) Land and Water Conservation Program	1,357,387
(g) Administrative Services Program	2,090,000
(h) Land Survey Program	264,564

- (i) Landmarks Foundation of Dothan 50,000
- The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$40,975.

SOURCE OF FUNDS:

- | | |
|---|------------|
| (1) Alabama Recreation Capital Development Fund ... | 138,000 |
| (2) Game and Fish Fund | 11,733,496 |
| (3) State Lands Fund | 684,813 |
| The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas. | |
| (4) Marine Resources Fund .. | 1,358,410 |
| In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the | |

Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund	2,034,321
(6) State Parks Fund	9,705,594
(7) Administrative Funds	2,090,000

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax	500,000
(9) Land Survey Fund	264,564
(10) Federal Land and Water Fund	1,357,387

Total Department of Conservation and Natural Resources ...

29,866,585	29,866,585
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24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

- (a) Professional and Occupational Licensing and Regulation Program
- The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$377.

265,845

SOURCE OF FUNDS:

- (1) State Licensing Board for General Contractors Fund Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by re-

265,845

quest of applicant.

Total State Licensing Board for General Contractors	265,845	265,845
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25. CORRECTIONS, DEPARTMENT
OF:

(a) Administrative Services and Logistical Support Program	6,633,600
(b) Institutional Services Correc- tions Program	62,606,370
(c) Correctional Industries Pro- gram	6,972,198

The appropriation to the De-
partment of Corrections shall
include a transfer to the State
Personnel Department of
\$99,268.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	69,100,000
(2) Department of Corrections Fund	7,112,168

The Commissioner of Cor-
rections is authorized to
utilize funds herein appro-
priated as matching con-
tributions, where required
and appropriate, to gener-
ate additional funds which
would effectively increase
the appropriations for the
Department of Correc-
tions. Any such grant
funds so generated and in
direct support of the De-
partment of Corrections'
operations are also hereby
appropriated.

Total Department of Correc- tions	69,100,000	7,112,168	76,212,168
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26. COSMETOLOGY, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	408,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$565.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	408,000	
As provided in Title 34, Chapter 7, 1975 Code of Alabama.		

Total Alabama Board of Cosmetology	408,000	408,000
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27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		39,400
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	39,400	
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.		

Total Alabama Board of Examiners in Counseling	39,400	39,400
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28. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:

(a) Criminal Justice Information Services Program		2,447,738
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The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$3,137.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,942,838	
(2) Federal, Local and Miscellaneous Funds		504,900

Total Alabama Criminal Justice Information System	1,942,838	504,900	2,447,738
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29. DEVELOPMENT OFFICE, ALABAMA:

- | | |
|--|-----------|
| (a) Industrial Development Program | 2,266,125 |
| Of the above appropriation, not less than \$90,000 shall be expended for the preparation and implementation of a promotional campaign developed by the Bureau of Publicity and Information that will promote and improve the State's image regarding the expansion of existing businesses and the attraction of out-of-state industries. | |
| (b) Administrative Services Program - Office of Minority Business | 145,135 |
| (c) Alabama Film Commission - Promotional Development Program | 186,428 |
| (d) Data Processing and Word Processing Equipment for the Industrial Development Program | 32,000 |
| The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$2,133. | |

SOURCE OF FUNDS:

- | | | | |
|---|-----------|---------|-----------|
| (1) State General Fund-Transfer-Alabama Development Office | 2,248,125 | | |
| (2) State General Fund-Transfer-Office of Minority Business | 84,740 | | |
| (3) State General Fund-Transfer-Alabama Film Commission | 186,428 | | |
| (4) Federal, Local and Miscellaneous Funds | | 110,395 | |
| <hr/> | | | |
| Total Alabama Development Office | 2,519,293 | 110,395 | 2,629,688 |
| <hr/> | | | |

30. DISTRICT ATTORNEYS:

- | | |
|------------------------------------|-----------|
| (a) Court Operations Program | 8,454,377 |
|------------------------------------|-----------|

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys	1,965,171
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	49,516
For use of the Elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	96,397
Salaries and expenses of Supernumerary District Attorneys	852,881
For use in the District Attorney's Office of the 1st Judicial Circuit	83,135
For use in the District Attorney's Office of the 2nd Judicial Circuit	71,051
For use in the District Attorney's Office of the 3rd Judicial Circuit	111,841
For use in the District Attorney's Office of the 4th Judicial Circuit	329,889
For use in the District Attorney's Office of the 5th Judicial Circuit	261,534
For use in the District Attorney's Office of the 6th Judicial Circuit	228,396
For use in the District Attorney's Office of the 7th Judicial Circuit	146,056
For use in the District Attorney's Of-	

Office of the 8th Judicial Circuit	109,178
For use in the District Attorney's Office of the 9th Judicial Circuit	103,404
For use in the District Attorney's Office of the 10th Judicial Circuit	350,746
For use in the District Attorney's Office of the 11th Judicial Circuit	89,833
For use in the District Attorney's Office of the 12th Judicial Circuit	191,621
For use in the District Attorney's Office of the 13th Judicial Circuit	336,934
For use in the District Attorney's Office of the 14th Judicial Circuit	94,632
For use in the District Attorney's Office of the 15th Judicial Circuit	334,225
For use in the District Attorney's Office of the 16th Judicial Circuit	152,126
For use in the District Attorney's Office of the 17th Judicial Circuit	57,700
For use in the District Attorney's Office of the 18th Judicial Circuit	168,258
For use in the District Attorney's Office of the 19th Judicial Circuit	99,893
For use in the District Attorney's Office of the 20th Judicial Circuit	146,405
For use in the Dis-	

district Attorney's Office of the 21st Judicial Circuit	111,586
For use in the District Attorney's Office of the 22nd Judicial Circuit	94,713
For use in the District Attorney's Office of the 23rd Judicial Circuit	245,404
For use in the District Attorney's Office of the 24th Judicial Circuit	88,756
For use in the District Attorney's Office of the 25th Judicial Circuit	84,313
For use in the District Attorney's Office of the 26th Judicial Circuit	148,831
For use in the District Attorney's Office of the 27th Judicial Circuit	112,972
For use in the District Attorney's Office of the 28th Judicial Circuit	108,894
For use in the District Attorney's Office of the 29th Judicial Circuit	142,720
For use in the District Attorney's Office of the 30th Judicial Circuit	143,646
For use in the District Attorney's Office of the 31st Judicial Circuit	87,055
For use in the District Attorney's Office of the 32nd Judicial Circuit	85,830
For use in the District Attorney's Office of the 33rd Judicial Circuit	80,642

For use in the District Attorney's Office of the 34th Judicial Circuit	43,139
For use in the District Attorney's Office of the 35th Judicial Circuit	58,551
For use in the District Attorney's Office of the 36th Judicial Circuit	71,495
For use in the District Attorney's Office of the 37th Judicial Circuit	95,476
For use in the District Attorney's Office of the 38th Judicial Circuit	108,468
For use in the District Attorney's Office of the 39th Judicial Circuit	38,947
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys	72,117
	<u>8,454,377</u>

SOURCE OF FUNDS:

(1) State General Fund	8,454,377	
Total District Attorneys	<u>8,454,377</u>	<u>8,454,377</u>

31. ECONOMIC AND COMMUNITY
AFFAIRS, DEPARTMENT OF:

(a) State Planning Program	49,998,170
(b) Special Services Program	23,056,200
(c) Skills Enhancement and Employment Opportunities Program	64,144,423
(d) Energy Management Program	4,400,732
(e) Traffic Control and Accident Prevention Program	2,611,228
(f) Law Enforcement Planning and Development Program ...	1,900,680

Of the above appropriation to the Law Enforcement Planning and Development Program, \$40,000 shall be allocated to the Marshall County Attention Home.

The appropriation to the Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of \$12,612.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-State Planning and Federal Programs . . .	2,898,136		
(2) State General Fund- Transfer-Energy Division . .	529,732		
(3) State General Fund- Transfer-Highway and Traffic Safety	168,378		
(4) State General Fund- Transfer-Law Enforcement Planning Division	279,338		
(5) Federal, Local and Miscel- laneous Funds		142,235,849	
<hr/>			
Total Department of Economic and Community Affairs	3,875,584	142,235,849	146,111,433

32. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

- (a) Professional and Occupational Licensing and Regulation Program 296,579
- The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$251.

SOURCE OF FUNDS:

- (1) Professional Engineers' Fund 296,579
- As provided in Title 34, Chapter 11, Section 36, 1975 Code of Alabama as

amended.

Total State Board of Registration for Professional Engineers and Land Surveyors	296,579	296,579
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33. ENVIRONMENTAL
MANAGEMENT, DEPARTMENT
OF:

- (a) Environmental Management Program 7,604,113
 The appropriation to the Department of Environmental Management shall include a transfer to the State Personnel Department of \$11,609.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer 2,049,318
 (2) Environmental Management Fund 5,554,795
 As provided in Title 22, Chapter 22A, Section 11, 1975 Code of Alabama as amended.

Total Department of Environmental Management	2,049,318	5,554,795	7,604,113
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34. ETHICS COMMISSION, ALA-
BAMA:

- (a) Regulation of Public Officials and Employees Program 196,940
 The appropriation to the Ethics Commission shall include a transfer to the State Personnel Department of \$502.

SOURCE OF FUNDS:

- (1) State General Fund 196,940

Total Alabama Ethics Commission	196,940	196,940
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35. FARMERS' MARKET AUTHORITY:

- (a) Agricultural Development Services Program 188,106
 The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of \$188.

SOURCE OF FUNDS:

(1) State General Fund-Transfer For Administration	73,106		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account ..		115,000	
		<hr/>	
Total Farmers' Market Authority	73,106	115,000	188,106
		<hr/>	

36. FINANCE, DEPARTMENT OF:

- (a) Fiscal Management Program .. 2,513,273
 (b) Administrative Support Services Program 3,509,445
 The appropriation to the Finance Department shall include a transfer to the State Personnel Department of \$32,943.

SOURCE OF FUNDS:

(1) State General Fund	6,008,335		
(2) Miscellaneous Funds		14,383	
		<hr/>	
Total Department of Finance ..	6,008,335	14,383	6,022,718
		<hr/>	

37. FORENSIC SCIENCES, DEPARTMENT OF:

- (a) Forensic Science Services Program 3,594,519
 The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,769.

SOURCE OF FUNDS:

(1) State General Fund	3,503,449		
(2) Federal, Local and Miscellaneous Funds		91,070	
		<hr/>	

Total Department of Forensic Sciences	3,503,449	91,070	3,594,519
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38. FOREIGN TRADE RELATIONS
COMMISSION:

- (a) Special Services Program 50,000
The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of \$126.

SOURCE OF FUNDS:

- (1) State General Fund 50,000

Total Foreign Trade Relations Commission	50,000	50,000
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39. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION
FOR:

- (a) Professional and Occupational Licensing and Regulation Program 17,900

SOURCE OF FUNDS:

- (1) Professional Foresters' Fund 17,900
As provided in Title 34, Chapter 12, 1975 Code of Alabama.

Total Alabama State Board of Registration for Foresters	17,900	17,900
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40. FORESTRY COMMISSION, ALABAMA:

- (a) Regional Operations Program 9,169,682
(b) Forest Resource Planning and Development Program 2,701,191
(c) Executive Administration Program 387,111
(d) Administrative Services Program 1,562,313
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$26,794.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	7,705,297	
(2) Federal and Local Funds		2,065,000
(3) Forestry Commission Fund		4,050,000
Of the above appropriations, \$550,000 shall be used for rural and community fire protection.		
Of the above appropriations, \$100,000 shall be expended for aircraft replacement for District 9.		

Total Alabama Forestry Commission	7,705,297	6,115,000	13,820,297
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41. FUNERAL SERVICES, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		98,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund As provided in Title 34, Chapter 13, 1975 Code of Alabama	98,000
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Total Alabama Board of Funeral Service	98,000	98,000
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42. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,002,470
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,828.	

SOURCE OF FUNDS:

(1) State General Fund	1,172,165
(2) Federal, Local and Miscellaneous Funds	830,305

Total Geological Survey	1,172,165	830,305	2,002,470
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43. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program			9,545
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SOURCE OF FUNDS:

(1) State General Fund	8,245		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		1,300	

Total Gorgas Memorial Board	8,245	1,300	9,545
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44. GOVERNOR'S OFFICE:

(a) Executive Direction Program .			1,215,176
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of \$3,263.			

SOURCE OF FUNDS:

(1) State General Fund	1,215,176		
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Total Governor's Office	1,215,176		1,215,176
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45. GOVERNOR'S OFFICE-LEGAL:

(a) Executive Direction Program .			102,000
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SOURCE OF FUNDS:

(1) State General Fund	102,000		
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Total Governor's Office-Legal ..	102,000		102,000
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46. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program .			299,368
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SOURCE OF FUNDS:

(1) State General Fund	299,368		
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Total Governor's Contingency Fund	299,368		299,368
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47. GOVERNOR'S MANSION:

(a) Executive Direction Program		176,846	
SOURCE OF FUNDS:			
(1) State General Fund	176,846		
Total Governor's Mansion	176,846		176,846
48. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			8,500
SOURCE OF FUNDS:			
(1) State General Fund Transfer	8,500		
Total Governor's Mansion Advisory Board	8,500		8,500
49. GOVERNOR'S VOLUNTARY CITIZEN PARTICIPATION:			
(a) Executive Direction Program			59,000
SOURCE OF FUNDS:			
(1) Federal Funds	59,000		
Total Governor's Voluntary Citizen Participation		59,000	59,000
50. HEALTH, DEPARTMENT OF PUBLIC:			
(a) Administrative Services Program			5,201,022
(b) Health Support Services Program			49,164,871
Of this amount \$6,577,885 shall go to support local health department services of which \$3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate			

matching funds.

- (c) Clinical Health Services Program 36,995,590
 The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$113,764.

SOURCE OF FUNDS:

(1) State General Fund	15,532,619		
(2) Cigarette Tax-\$.01		1,232,180	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(3) Cigarette Tax-\$.02		2,064,334	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(4) Vital Statistics Fund		1,553,786	
(5) Hospital Licensing Fund		205,000	
(6) Emergency Medical Services Fund		165,738	
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.			
(7) Local Health Departments		31,770,925	
(8) Nuclear Monitoring Fund		90,000	
(9) Miscellaneous Funds		2,849,611	
(10) Federal Funds		35,897,290	
<hr/>			
Total Department of Public Health	15,532,619	75,828,864	91,361,483
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51. HEALTH PLANNING AND DEVELOPMENT AGENCY, STATE:

- (a) Health Planning, Development and Regulation Program 1,580,548
 The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,380.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	235,629		
(2) Federal, Local and Miscellaneous Funds		1,344,919	
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Total State Health Planning and Development Agency		235,629	1,344,919	1,580,548
<hr/>				
52. HEARING AID DEALERS, ALA- BAMA BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Pro- gram				9,500
SOURCE OF FUNDS:				
(1) State Board of Health - Hearing Aid Fund			9,500	
As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.				
<hr/>				
Total Alabama Board of Hear- ing Aid Dealers			9,500	9,500
<hr/>				
53. HEATING AND AIR CONDI- TIONING CONTRACTORS, BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Pro- gram				97,552
SOURCE OF FUNDS:				
(1) Heating and Air Condi- tioning Contractors Fund			97,552	
<hr/>				
Total Board of Heating and Air Conditioning Contractors			97,552	97,552
<hr/>				
54. ALABAMA HERITAGE TRUST FUND:				
(a) Alabama Heritage Trust Fund Expense Program				19,855
SOURCE OF FUNDS:				
(1) Heritage Trust Income			19,855	
<hr/>				
Total Alabama Heritage Trust Fund			19,855	19,855
<hr/>				
55. HIGHWAY DEPARTMENT:				
(a) Central Administration Pro- gram				8,028,851
(b) Division and District Supervi- sion Program				15,150,539

(c) Operations & Support Services Program	6,351,192
(d) Maintenance Program	77,352,133
(e) Non-Programmatic Expenditures	41,220,821
Proposed Spending Plan for the above (e) includes the following:	
Debt Service	40,855,309
Equipment - Other than Automotive ..	365,512
(f) Construction-Federal Aid Program	352,789,516
Proposed Spending Plan for the above (f) includes the following:	
Federal Aid Matching	56,036,516
Non-Participating Work on Federal Projects	1,000,000
Federal Aid	295,753,000
(g) Construction-State Program ..	5,000,000
(h) Operations-Land and Buildings	620,000
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$230,789.	

SOURCE OF FUNDS:

(1) State General Fund-Transfer	75,000
(2) Public Road and Bridge Fund	210,685,052
(3) Federal Aid	295,753,000
There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$40,855,309 or so	

much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department.

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Services, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time di-

rect. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department . . .	75,000	506,438,052	506,513,052
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56. HISTORIC CHATTAHOOCHEE
COMMISSION:

(a) Historical Resources Management Program			132,729
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SOURCE OF FUNDS:

(1) State General Fund	79,929		
(2) Federal, Local and Miscellaneous Funds		52,800	

Total Historic Chattahoochee Commission	79,929	52,800	132,729
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57. HISTORICAL COMMISSION, ALABAMA:

- | | |
|---|-----------|
| (a) Historical Resources Management Program | 2,229,177 |
| (b) Historical Commission-Cahaba | 200,000 |
- The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$2,447.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	587,908		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama	434,586		
Historical Commission, Alabama-La Grange	8,140		
Historical Commission, Alabama-Richmond P. Hobson Memorial Board	5,994		
Historical Commission, Alabama-Fort Morgan	105,938		
Historical Commission, Alabama-Fort Toulouse	21,250		
Historical Commission, Alabama-John T. Morgan House, Selma	12,000		
(2) Federal, Local and Miscellaneous Funds		1,841,269	
Total Alabama Historical Commission	587,908	1,841,269	2,429,177

58. INDUSTRIAL RELATIONS, DEPARTMENT OF:

- | | |
|---|------------|
| (a) Skills Enhancement and Employment Opportunities Program | 16,877,311 |
|---|------------|

(b) Unemployment Compensation Program	15,588,016
(c) Administrative Services Program	8,130,022
(d) Industrial Safety and Accident Prevention Program	4,822,611
(e) Employment and Social Opportunities Program	362,959

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$113,826.

SOURCE OF FUNDS:

(1) State General Fund	739,372		
(2) Federal, Local and Miscellaneous Funds		45,041,547	
<hr/>			
Total Department of Industrial Relations	739,372	45,041,547	45,780,919
<hr/>			

59. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program	71,941
The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of \$126.	

SOURCE OF FUNDS:

(1) State General Fund	71,941	
<hr/>		
Total State Employees' Insurance Board	71,941	71,941
<hr/>		

60. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program	1,345,841
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,765.	

SOURCE OF FUNDS:

(1) State General Fund	1,061,697	
(2) Fire Marshals' Fund		284,144

As provided in Title 24,
Chapter 5, Article 1, 1975
Code of Alabama.

Any balance in excess of
\$50,000 at the end of the
fiscal year shall be trans-
ferred to the State Gen-
eral Fund.

Total Department of Insurance	1,061,697	284,144	1,345,841
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**61. INTERIOR DESIGNERS, ALA-
BAMA STATE BOARD OF REG-
ISTRATION FOR:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			4,200
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SOURCE OF FUNDS:

(1) Interior Designers Fund ..		4,200	
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Total Alabama State Board of Registration for Interior De- signers		4,200	4,200
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62. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program .			292,452
The appropriation to the Labor Department shall include a transfer to the State Personnel Department of \$502.			

SOURCE OF FUNDS:

(1) State General Fund	249,452		
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(2) Federal, Local and Miscel- laneous Funds		43,000	
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Total Department of Labor ...	249,452	43,000	292,452
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**63. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			10,975
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SOURCE OF FUNDS:

(1) Landscape Architects Fund		10,975	
--	--	--------	--

As provided in Title 34,
Chapter 17, 1975 Code of

Alabama.

Total Board of Examiners of Landscape Architects	10,975	10,975
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64. LIQUEFIED PETROLEUM GAS
BOARD:

(a) Regulatory Services Program	212,000
The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$502.	

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	212,000	
<hr/>		
Total Liquefied Petroleum Gas Board	212,000	212,000

65. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance through Medicaid Program	400,922,399
Of the above appropriation to the Alabama Medicaid Agency, \$1,100,000 shall be used to match federal funds to provide health care for unemployed indigents.	

If matching funds are not available, this appropriation shall be used for other services provided by the Alabama Medicaid Agency upon approval of the Governor.

The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$13,114.

SOURCE OF FUNDS:

(1) State General Fund- Transfer	95,819,133	
(2) Transfer from Pensions and Security	435,000	
(3) Transfer from Mental Health	13,609,728	

(4) Federal, Local and Miscellaneous Funds	291,058,538		
Total Alabama Medicaid Agency	95,819,133	305,103,266	400,922,399

66. MENTAL HEALTH, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	72,260,295
(b) Institutional Treatment and Care-Mental Retardation Program	58,294,033
(c) Institutional Treatment and Care-Criminally Insane Program	2,788,372
(d) Non-Institutional Treatment and Care-Program	12,312,541
(e) Administrative Services Program	3,774,313
(f) Community Mental Health Program	18,500,000

It is the intent of the Legislature that this appropriation be used to fund Community Mental Health Programs and that none of said appropriation be shifted to any other program.

The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Act 310 and certified by the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Department of Mental Health, there shall be at least \$4,700,000 expended

for the treatment of rehabilitation for and education on alcohol and drug abuse.

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$376,617.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund	102,885,167	
For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.		
(2) Special Mental Health Trust Fund-Community Programs	13,713,215	
(3) Transfer from ABC Profits	1,000,000	
(4) Cigarette Tax - \$.01	930,000	
(5) Cigarette Tax - \$.02	4,825,000	
(6) Transfer from Pensions and Security-Title XX Funds-Community Programs	1,623,640	
(7) Federal, Local and Miscellaneous Funds	42,952,532	
<hr/>		
Total Department of Mental Health	167,929,554	167,929,554
<hr/>		

67. MILITARY DEPARTMENT:

(a) Military Operations Program	4,539,172
(b) Capital Outlay	374,500

The appropriation to the Military Department shall include a transfer to the State Personnel Department of \$9,036.

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,308,849
(2) State General Fund-Quarterly Allowances Head-	

quarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters			1,139,255	
(3)	State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities		374,500	
(4)	State General Fund-Active Military Service		161,000	
(5)	State General Fund-Transfer to Armory Commission		1,925,068	
(6)	State General Fund-Dropping Allowance		5,000	
Total Military Department . . .			4,913,672	4,913,672

68. ARMORY COMMISSION OF ALABAMA:

(a)	Military Operations Program			3,088,943
SOURCE OF FUNDS:				
(1)	Transfer from Military Department		1,925,068	
(2)	Federal, Local and Miscellaneous Funds		1,163,875	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.				
Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus re-				

maining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	3,088,943	3,088,943
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69. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		40,000
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The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of \$63.

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	40,000	
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As provided in Title 34, Chapter 20, 1975 Code of Alabama.

Total Board of Examiners of Nursing Home Administrators	40,000	40,000
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70. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program		1,234,643
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The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of \$3,012.

SOURCE OF FUNDS:

(1) State General Fund	1,226,497	
(2) Federal, Local and Miscellaneous Fund		8,146

Total Oil and Gas Board	1,226,497	8,146	1,234,643
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71. PARDONS AND PAROLES,

BOARD OF:

- (a) Administration of Pardons and Paroles Program 6,831,119
 The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$15,248.

SOURCE OF FUNDS:

(1) State General Fund	5,388,321		
(2) Probationers Upkeep Fund		1,350,060	
(3) Federal, Local and Miscellaneous Funds		92,738	
Total Board of Pardons and Paroles	5,388,321	1,442,798	6,831,119

72. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:

- (a) Retirement Systems Program 203,664
 The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of \$251.

SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		203,664	
Total Alabama Peace Officers' Annuity and Benefit Fund		203,664	203,664

73. PENSIONS AND SECURITY, DEPARTMENT OF:

- (a) Economic Assistance Program 165,558,816
 (b) Social Services Program 69,134,437
 The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of \$253,065.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	151,132,549	
(2) ABC Profits	1,965,000	
(3) Whiskey Tax	21,000,000	
(4) Beer Tax	7,740,000	
(5) Pension Residue	12,500,000	
(6) Sales Tax	1,322,000	
(7) Franchise Tax	11,000,000	
(8) Contracts, Service Fees ..	150,000	
(9) Child Support Collections ..	2,840,064	
(10) Sales Tax for Food Stamps	16,000,000	
(11) Cigarette Tax	4,420,000	
(12) Contractor's Gross Receipts Tax	3,000,000	
(13) Title XX Funds-Transfer to Mental Health	1,623,640	
<hr/>		
Total Department of Pensions and Security	234,693,253	234,693,253
<hr/>		

74. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Program	1,830,727
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SOURCE OF FUNDS:

(1) Transfer from Department of Aeronautics	314
(2) Transfer from Commission on Aging	1,004
(3) Transfer from Agriculture and Industries	28,551
(4) Transfer from Agricultural Center Board	753
(5) Transfer from Alcoholic Beverage Control Board ..	64,694
(6) Transfer from Board of Registration for Architects ..	126
(7) Transfer from Archives and History	2,886
(8) Transfer from the Council on Arts and Humanities ..	627
(9) Transfer from the Office of the Attorney General ..	9,350
(10) Transfer from the State Auditor	1,569
(11) Transfer from State Banking Department	3,075

(12) Transfer from Finance-Alabama Building Authority	1,945
(13) Transfer from Finance-Alabama Building Finance Authority	1,694
(14) Transfer from Building Commission	1,192
(15) Transfer from Civil Air Patrol	63
(16) Transfer from Civil Defense Department	2,008
(17) Transfer from Local Civil Defense	725
(18) Transfer from Conservation Department	40,975
(19) Transfer from State Licensing Board for General Contractors	377
(20) Transfer from Department of Corrections	99,268
(21) Transfer from Board of Cosmetology	565
(22) Transfer from Criminal Justice Information Center	3,137
(23) Transfer from Alabama Development Office	2,133
(24) Transfer from State Docks	37,210
(25) Transfer from Education	80,255
(26) Transfer from the Department of Economic and Community Affairs	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors	251
(28) Transfer from Ethics Commission	502
(29) Transfer from Examiners of Public Accounts	8,220
(30) Transfer from Farmer's Market Authority	188
(31) Transfer from Finance Department	32,943
(32) Transfer from Firefighters Personnel Standards and Education Commission	188
(33) Transfer from Foreign Trade Commission	126
(34) Transfer from Department of Forensic Sciences	4,769

(35) Transfer from Forestry Commission	26,794
(36) Transfer from Geological Survey	3,828
(37) Transfer from Governor's Office	3,263
(38) Transfer from Department of Public Health	113,764
(39) Transfer from State Health Planning and Development Agency	1,380
(40) Transfer from Highway Department	230,789
(41) Transfer from Alabama Historical Commission	2,447
(42) Transfer from Industrial Relations	113,826
(43) Transfer from Insurance Department	3,765
(44) Transfer from State Employees' Insurance Board	126
(45) Transfer from Department of Labor	502
(46) Transfer from Legislative Reference Service	502
(47) Transfer from Liquefied Petroleum Gas Board	502
(48) Transfer from Alabama Medicaid Agency	13,114
(49) Transfer from Department of Mental Health	376,617
(50) Transfer from Military Department	9,036
(51) Transfer from Board of Nursing	816
(52) Transfer from Examiners of Nursing Home Administrators	63
(53) Transfer from Oil and Gas Board	3,012
(54) Transfer from Pardons and Paroles	15,248
(55) Transfer from Peace Officers' Annuity and Benefits Fund	251
(56) Transfer from Peace Officers' Standards and Training Commission	188
(57) Transfers from Department of Pensions and Security	253,065

(58) Transfer from Physical Fitness Commission	251	
(59) Transfer from Board of Physical Therapy	63	
(60) Transfer from Public Library Service	3,765	
(61) Transfer from Department of Public Safety	74,294	
(62) Transfer from Public Service Commission	7,781	
(63) Transfer from Publicity and Information	3,514	
(64) Transfer from Alabama Public Television Network	5,271	
(65) Transfer from Real Estate Commission	941	
(66) Transfer from Retirement System	6,024	
(67) Transfer from Department of Revenue	62,372	
(68) Transfer from Secretary of State	1,694	
(69) Transfer from Securities Commission	1,318	
(70) Transfer from Board of Social Work Examiners ..	63	
(71) Transfer from Soil and Water Conservation Committee	314	
(72) Transfer from Surface Mining Reclamation Commission	2,949	
(73) Transfer from State Treasurer	2,698	
(74) Transfer from Department of Veterans Affairs	7,404	
(75) Transfer from Department of Youth Services	21,209	
(76) Transfer from Environmental Management	11,609	
<hr/>		
Total State Personnel Department	1,830,727	1,830,727
<hr/>		

75. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	39,918
The appropriation to the	

Board of Physical Therapy shall include a transfer to the State Personnel Department of \$63.

SOURCE OF FUNDS:

- | | | |
|------------------------------|--------|--|
| (1) Physical Therapy Fund .. | 39,918 | |
| As provided in Title 34, | | |
| Chapter 24, Article 5, 1975 | | |
| Code of Alabama. | | |

Total Board of Physical Ther-		
apy	39,918	39,918

**76. POLYGRAPH EXAMINERS,
BOARD OF:**

- | | | |
|--|--|--------|
| (a) Professional and Occupational
Licensing and Regulation Pro-
gram | | 13,400 |
|--|--|--------|

SOURCE OF FUNDS:

- | | | |
|--|--------|--|
| (1) Board of Polygraph Exam-
iners Fund | 13,400 | |
| As provided in Title 34, | | |
| Chapter 25, Section 5, | | |
| 1975 Code of Alabama as
amended. | | |

Total Board of Polygraph Ex-		
aminers	13,400	13,400

**77. PROSECUTION SERVICES, OF-
FICE OF:**

- | | | |
|--|--|---------|
| (a) Prosecution, Training, Educa-
tion and Management Program | | 506,817 |
|--|--|---------|

SOURCE OF FUNDS:

- | | | |
|--|---------|--|
| (1) Office of Prosecution Ser-
vices Fund | 506,817 | |
|--|---------|--|

Total Office of Prosecution Ser-		
vices	506,817	506,817

**78. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:**

- | | | |
|--|--|--------|
| (a) Professional and Occupational
Licensing and Regulation Pro-
gram | | 24,970 |
|--|--|--------|

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	24,970	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
<hr/>		
Total Alabama Board of Examiners in Psychology	24,970	24,970
<hr/>		

79. PUBLIC SAFETY, DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program	18,301,344
(b) Criminal Investigation Program	3,915,914
(c) Driver's Licensing and Improvement Program	7,313,229
(d) Public Safety Support Services Program	5,495,399
(e) Administrative Services Program	1,820,223
(f) Alabama Criminal Justice Training Center Program	1,089,983
The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of \$74,294.	

SOURCE OF FUNDS:

(1) State General Fund	37,936,092	
<hr/>		
Total Department of Public Safety	37,936,092	37,936,092
<hr/>		

80. PUBLIC SERVICE COMMISSION:

(a) Administrative Services Program	1,333,806
(b) Regulatory Program	3,703,911
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$7,781.	

SOURCE OF FUNDS:

(1) Public Service Commission Fund	4,866,282
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

(2) Federal Funds	171,435		
<hr/>			
Total Public Service Commission	5,037,717	5,037,717	
<hr/>			

81. PUBLICITY AND INFORMATION, BUREAU OF:

- (a) Tourism and Travel Promotion Program 2,441,867
- The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,514.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	478,565		
(2) Lodgings Tax (\$.01)		1,963,302	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
<hr/>			
Total Bureau of Publicity and Information	478,565	1,963,302	2,441,867
<hr/>			

82. REAL ESTATE COMMISSION,

ALABAMA:

- (a) Professional and Occupational Licensing and Regulation Program 605,428

The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$941.

SOURCE OF FUNDS:

- | | | |
|--|---------|---------|
| (1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated | 605,428 | |
| | | |
| Total Alabama Real Estate Commission | 605,428 | 605,428 |
| | | |

83. REVENUE DEPARTMENT:

- (a) State Revenue Administration Program 33,508,572
- The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$62,372.

SOURCE OF FUNDS:

- | | | |
|---|---------|---------|
| (1) State General Fund—Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments | 250,000 | |
| (2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama | | 454,734 |
| (3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections | | 351,661 |

(4)	Transfer from the gross proceeds of the Forest Severance Tax Collections	206,146
(5)	Transfer from the gross proceeds of Gasoline Tax Collections	2,352,490
(6)	Transfer from the Income Tax Collections	7,842,644
(7)	Transfer from the gross proceeds of Motor Fuel Tax Collections	1,358,140
(8)	Transfer from the gross proceeds of Motor Vehicle License Collections	1,373,297
(9)	Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	421,387
(10)	Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,036,793
(11)	Transfer from the gross proceeds of Sales Tax Collections	10,934,834
(12)	Transfer from the gross proceeds of the Tobacco Tax Collections	2,234,260
(13)	Transfer from the gross proceeds of Use Tax Collections	1,067,108
(14)	Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama	700,290
(15)	Local Funds	2,924,788

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated,

there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collections of taxes or licenses.

Total Revenue Department . . .	250,000	33,258,572	33,508,572
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84. REVENUE - BOARDS OF
EQUALIZATION:

(a) State Revenue Administration Program		115,741
SOURCE OF FUNDS:		
(1) State General Fund	115,741	
Total Revenue-Boards of Equalization	115,741	115,741

85. REVENUE - MOTOR VEHICLE
LICENSE:

(a) State Revenue Administration Program		2,252,460
SOURCE OF FUNDS:		
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,252,460	
Total Revenue-Motor Vehicle License	2,252,460	2,252,460

86. SECRETARY OF STATE:

(a) Administrative Support Ser- vices Program		674,952
The appropriation to the Sec- retary of State shall include a transfer to the State Personnel Department of \$1,694.		
SOURCE OF FUNDS:		
(1) State General Funds	674,952	
Total Secretary of State	674,952	674,952

87. SECURITIES COMMISSION:

- (a) Regulatory Services Program 695,343
 The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of \$1,318.

SOURCE OF FUNDS:

(1) State General Fund	406,518		
(2) Industrial Development Bond Notification Fund . .		139,678	
(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		141,147	
		<hr/>	
Total Securities Commission . .	406,518	288,825	695,343
		<hr/>	

88. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program 50,000
 The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$63.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama		50,000	
		<hr/>	
Total Alabama State Board of Social Work Examiners		50,000	50,000
		<hr/>	

89. SOIL AND WATER CONSERVATION COMMITTEE, ALABAMA STATE:

- (a) Water Resources Development Program 739,702
 The appropriation to Soil and Water Conservation Committee shall include a transfer to

the State Personnel Department of \$314.

SOURCE OF FUNDS:

(1) State General Fund 739,702

Total Alabama State Soil and Water Conservation Committee	739,702	739,702
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90. SOUTHERN GROWTH POLICIES BOARD:

(a) Special Services Program	21,505
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SOURCE OF FUNDS:

(1) State General Fund 21,505

Total Southern Growth Policies Board	21,505	21,505
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91. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:

(a) Tourism and Travel Promotion Program	302,600
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SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay 302,600

Total Alabama Space Science Exhibit Commission	302,600	302,600
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92. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program	17,600
--	--------

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama 17,600

Total Alabama Board of Examiners for Speech Pathology and Audiology	17,600	17,600
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93. SPORTS HALL OF FAME:

(a) Historical Resources Management Program		70,000
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SOURCE OF FUNDS:

(a) State General Fund	70,000	
Total Sports Hall of Fame	70,000	70,000

94. SURFACE MINING RECLAMATION COMMISSION:

(a) Industrial Safety and Accident Prevention Program	5,864,400
The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$2,949.	

SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission	5,864,400	
Total Surface Mining Reclamation Commission	5,864,400	5,864,400

95. TANNEHILL HISTORICAL STATE PARK:

(a) Historical Resources Management Program	562,500
---	---------

SOURCE OF FUNDS:

(1) State General Fund	212,500	
(2) Federal, Local and Miscellaneous Funds	350,000	

Total Tannehill Historical

State Park	212,500	350,000	562,500
<hr/>			
96. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			473,523
SOURCE OF FUNDS:			
(1) State General Fund	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscel- laneous Funds		333,273	
<hr/>			
Total Tennessee-Tombigbee Waterway Development Au- thority	140,250	333,273	473,523
<hr/>			
97. TREASURER, STATE:			
(a) Fiscal Management Program ..			1,311,960
The appropriation to the State Treasurer shall include a trans- fer to the State Personnel De- partment of \$2,698.			
SOURCE OF FUNDS:			
(1) State General Fund	1,311,960		
<hr/>			
Total State Treasurer	1,311,960		1,311,960
<hr/>			
98. UNIFORM STATE LAWS, COM- MISSION ON:			
(a) Special Services Program, Esti- mated			3,535
SOURCE OF FUNDS:			
(1) State General Fund	3,525		
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
<hr/>			
Total Commission on Uniform State Laws, Estimated	3,525		3,525
<hr/>			
99. VETERANS AFFAIRS, DEPART- MENT OF:			

- | | | |
|--|-----------|--|
| (a) Administration of Veterans Affairs Program | 2,331,599 | |
| (b) Veteran's Home Study | 60,000 | |
- The appropriation to the Department of Veterans Affairs shall include a transfer to the State Personnel Department of \$7,404.

SOURCE OF FUNDS:

(1) State General Fund	2,391,599	
<hr/>		
Total Department of Veterans Affairs	2,391,599	2,391,599
<hr/>		

100. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

- | | | |
|--|--------|--|
| (a) Professional and Occupational Licensing and Regulation Program | 40,000 | |
|--|--------|--|

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund. As provided in Title 34, Chapter 29, 1975 Code of Alabama.	40,000	
<hr/>		
Total Alabama State Board of Veterinary Medical Examiners	40,000	40,000
<hr/>		

101. WOMEN'S COMMISSION, ALABAMA:

- | | | |
|---|-------|--|
| (a) Employment and Social Opportunities Program | 7,650 | |
|---|-------|--|

SOURCE OF FUNDS:

(1) State General Fund	7,650	
<hr/>		
Total Alabama Women's Commission	7,650	7,650
<hr/>		

102. WOMEN'S HALL OF FAME, ALABAMA

- | | | |
|---|--------|--|
| (a) Historical Resources Management Program | 10,200 | |
|---|--------|--|

SOURCE OF FUNDS:

(1) State General Fund	10,200	
<hr/>		
Total Alabama Women's Hall of Fame	10,200	10,200
<hr/>		

**103. LIBRARY SERVICE, ALABAMA
PUBLIC:**

(a) Public Library Service Pro- gram	100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
<hr/>		
Total Alabama Public Library Service	100,000	100,000
<hr/>		

**D. OTHER FUNCTIONS OF GOVERN-
MENT FUNDED FROM THE STATE
GENERAL FUND:****1. ADVERTISING LANDS FOR
TAX SALE:**

(a) State Revenue Administration Program, Estimated	70,000
--	--------

SOURCE OF FUNDS:

(1) State General Fund	70,000	
<hr/>		
Total Advertising Lands for Tax Sale	70,000	70,000
<hr/>		

**2. ARREST OF ABSCONDING
FELONS:**

(a) Criminal Investigation Pro- gram, Estimated	65,000
--	--------

SOURCE OF FUNDS:

(1) State General Fund	65,000	
<hr/>		
Total Arrest of Absconding Felons	65,000	65,000
<hr/>		

**3. AUTOMATIC APPEAL EX-
PENSE:**

(a) Legal Advice and Legal Service Program, Estimated	250
--	-----

SOURCE OF FUNDS:

(1) State General Fund	250	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Ala- bama		
Total Automatic Appeal Ex- pense	250	250

4. CIVIL COURT COSTS IN CON-
NECTION WITH AD VALOREM
TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
Total Civil Court Costs in Con- nection with Ad Valorem Tax Assessments Appeals	200	200

5. DEPARTMENT OF CONSERVA-
TION AND NATURAL RE-
SOURCES-NATIONAL
CEMETERY:

112,000

For the acquisition of land in
accordance with P.L. 88-578
(Land and Water Conservation
Fund Act). Property will be ex-
changed for space for National
Cemetery.

SOURCE OF FUNDS:

(1) State General Fund	112,000	
Total Department of Conserva- tion and Natural Resources- National Cemetery	112,000	112,000

6. CONSUMER UTILITY RATE
HEARING:

(a) Executive Direction Program .	250,000
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SOURCE OF FUNDS:

(1) State General Fund	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		

Total Consumer Utility Rate Hearing		250,000	250,000
<hr/>			
7. COURT COSTS-ACT NO. 558, 1957:			
(a) Court Operations Program, Es- timated			100
SOURCE OF FUNDS:			
(1) State General Fund		100	
Pursuant to Act No. 558, 1957, page 777.		<hr/>	
Total Court Costs-Act No. 558, 1957		100	100
<hr/>			
8. COURT-ASSESSED COST NOT OTHERWISE PROVIDED FOR:			
(a) Cost Assessed by State Courts Only Program, Estimated			731,685
It is the intent of the Legisla- ture that this appropriation be expended only for costs as- sessed by state courts.			
SOURCE OF FUNDS:			
(1) State General Fund		731,685	
Total Court-Assessed Cost Not Otherwise Provided For		731,685	731,685
<hr/>			
9. DISTRIBUTION OF PUBLIC DOCUMENTS:			
(a) Administrative Support Service Program, Estimated			45,000
SOURCE OF FUNDS:			
(1) State General Fund		45,000	
Total Distribution of Public Documents		45,000	45,000
<hr/>			
10. ELECTION EXPENSES:			
(a) Special Services Program, Esti- mated			1,410,000
SOURCE OF FUNDS:			
(1) State General Fund		1,410,000	
		<hr/>	

Total Election Expenses	1,410,000	1,410,000
<hr/>		
11. EMERGENCY FUND, DEPARTMENTAL:		
(a) Special Services Program		495,000
SOURCE OF FUNDS:		
(1) State General Fund	495,000	
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		
<hr/>		
Total Departmental Emergency Fund	495,000	495,000
<hr/>		
12. FEEDING OF PRISONERS:		
(a) Institutional Services-Corrections Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund	3,500,000	
For expenses of feeding prisoners in county jails		
<hr/>		
Total Feeding of Prisoners	3,500,000	3,500,000
<hr/>		
13. DEPARTMENT OF FINANCE-CAPITOL MOVING EXPENSES, ESTIMATED:		1,800,000
To be utilized to move all occupants in the State Capitol Building		
SOURCE OF FUNDS:		
(1) State General Fund	1,800,000	
<hr/>		
Total Department of Finance-Capitol Moving Expenses, Estimated	1,800,000	1,800,000
<hr/>		
14. DEPARTMENT OF FINANCE-FEMA, ESTIMATED:		1,000,000

Payments of the State's share
of Administration costs and
matching grants furnished by
the Federal Emergency Man-
agement Agency

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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Total Department of Finance- FEMA, Estimated	1,000,000	1,000,000
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15. DEPARTMENT OF FINANCE-
TELEPHONE REVOLVING
FUND:

400,000

SOURCE OF FUNDS:

(1) State General Fund	400,000	
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Total Department of Finance- Telephone Revolving Fund ...	400,000	400,000
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16. FOREST FIRE FUND, EMER-
GENCY:

(a) Forest Resource Protection Program		180,000
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SOURCE OF FUNDS:

(1) State General Fund- Transfer- As provided by Title 9, Chapter 30, Sec- tion 10, 1975 Code of Ala- bama	180,000	
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Total Emergency Forest Fire Fund	180,000	180,000
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17. GOVERNORS' CONFERENCE,
NATIONAL:

(a) Executive Direction Program .		75,550
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SOURCE OF FUNDS:

(1) State General Fund	75,550	
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Total National Governors' Con- ference	75,550	75,550
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18. GOVERNOR'S COUNCILLOR:

(a) Executive Direction Program		19,700
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SOURCE OF FUNDS:

(1) State General Fund	19,700	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama.		

Total Governor's Councilor	19,700	19,700
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19. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program, Estimated		150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Governor's Proclamation Expenses	150,000	150,000
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20. GOVERNOR'S WIDOWS RE-
TIREMENT:

(a) Executive Direction Program		14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400	
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Total Governor's Widows Re- tirement	14,400	14,400
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21. INTERPRETER'S ACCOUNT:

(a) Court Support Services Pro- gram, Estimated		1,700
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SOURCE OF FUNDS:

(1) State General Fund	1,700	
As provided in Title 12, Chapter 21, Section 131- 134, 1975 Code of Ala- bama.		

Total Interpreter's Account	1,700	1,700
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22. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Pro- gram		100
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SOURCE OF FUNDS:

(1) State General Fund- Transfer	100	
Total Law Enforcement Fund	100	100

23. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Ser- vices Program		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
To carry out provisions of Title 36, Chapter 21, Sec- tion 1, 1975 Code of Ala- bama.		
Total Law Enforcement Legal Defense	3,000	3,000

24. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
Total Mailing Tax Notices	100	100

25. MENTAL HEALTH TRUST
FUND, ALABAMA SPECIAL: 35,500,000

SOURCE OF FUNDS:

(1) State General Fund- Transfer	35,500,000	
Total Alabama Special Mental Health Trust Fund	35,500,000	35,500,000

26. POLICEMAN'S SURVIVOR TUI-
TION ACT:

(a) Support of Other Educational Activities Program, Estimated		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total Policeman's Survivor Tu-		
tion Act	5,000	5,000
<hr/>		
27. PRESIDENTIAL ELECTORAL		
EXPENSE:		
(a) Administration of Public Docu-		
ments Program, Estimated ...		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
<hr/>		
Total Presidential Electoral		
Expense	1,000	1,000
<hr/>		
28. PRINTING OF CODE SUPPLE-		
MENT-LEGISLATIVE		
REFERENCE SERVICE:		
(a) Administration of Public Docu-		
ments Program, Estimated ...		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
<hr/>		
Total Printing of Code Supple-		
ment-Legislative Reference		
Service	350,000	350,000
<hr/>		
29. PRINTING CODES AND SUP-		
PLEMENTS-SECRETARY OF		
STATE:		
(a) Administration of Public Docu-		
ments Program, Estimated ...		150,000
SOURCE OF FUNDS		
(1) State General Fund	150,000	
<hr/>		
Total Printing Codes and Sup-		
plements-Secretary of State ...	150,000	150,000
<hr/>		
30. PRINTING OF LEGISLATIVE		
ACTS AND JOURNALS:		
(a) Administrative Support Ser-		
vices Program, Estimated ...		410,000
SOURCE OF FUNDS:		
(1) State General Fund	410,000	
<hr/>		
Total Printing of Legislative		

Acts and Journals	410,000	410,000
<hr/>		
31. PRINTING OF STATE AND COUNTY PRIVILEGE LI- CENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
<hr/>		
Total Printing of State and County Privilege Licenses	25,000	25,000
<hr/>		
32. PUBLIC DEFENDER:		
(a) Court Operations Program, Es- timated		55,000
SOURCE OF FUNDS:		
(1) State General Fund	55,000	
For salary of Public De- fender for the 21st Judi- cial Circuit, as provided by Title 15, Chapter 12, Section 43, 1975 Code of Alabama.		
<hr/>		
Total Public Defender	55,000	55,000
<hr/>		
33. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
<hr/>		
Total Registration of Voters ..	1,000,000	1,000,000
<hr/>		
34. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
<hr/>		
Total Removal of Prisoners ...	200,000	200,000
<hr/>		

35. SOCIAL SECURITY-COUNTY
JUDICIAL:

(a) Fringe Benefit Program, Estimated		300,000
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SOURCE OF FUNDS:

(1) State General Fund	300,000	
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Total Social Security-County Judicial	300,000	300,000
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36. STATE GENERAL FUND, ESTIMATED:

66,680,284

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein. Estimated		
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66,680,284

Total State General Fund, Estimated	66,680,284	66,680,284
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37. STATE TREASURER-PREVIOUS
YEAR'S UNPAID WARRANTS:

(a) Special Services Program, Estimated		250,000
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SOURCE OF FUNDS:

(1) State General Fund	250,000	
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Total State Treasurer-Previous Year's Unpaid Warrants	250,000	250,000
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38. RECREATION CAPITAL DEVELOPMENT FUND, ALABAMA:

138,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	138,000	
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Total Alabama Recreation Capital Development Fund	138,000	138,000
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E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

1. ANNISTON SUBREGIONAL LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED:

(a) Public Library Services Program		4,500
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SOURCE OF FUNDS:

(1) State General Fund	4,500	
	<hr/>	

Total Anniston Subregional Library for the Blind and Physically Handicapped	4,500	4,500
	<hr/>	<hr/>

2. APPALACHIAN REGIONAL COMMISSION:

(a) Planning Program		189,970
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SOURCE OF FUNDS:

(1) State General Fund	189,970	
	<hr/>	

Total Appalachian Regional Commission	189,970	189,970
	<hr/>	<hr/>

3. ARMED FORCES DAY IN ALABAMA:

(a) Historical Resources Management Program		836
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SOURCE OF FUNDS:

(1) State General Fund	836	
	<hr/>	

Total Armed Forces Day in Alabama	836	836
	<hr/>	<hr/>

4. ARMY AVIATION MUSEUM, FORT RUCKER, ALABAMA:

(a) Historical Resources Management Program		75,000
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SOURCE OF FUNDS:

(1) State General Fund	75,000	
	<hr/>	

Total Army Aviation Museum, Fort Rucker, Alabama	75,000	75,000
	<hr/>	<hr/>

5. ARTS HALL OF FAME, ALABAMA:

(a) Fine Arts Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
<hr/>		
Total Alabama Arts Hall of Fame	4,500	4,500
<hr/>		
6. AZALEA TRAIL FESTIVAL, MOBILE:		
(a) Tourism and Travel Promotion Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
<hr/>		
Total Mobile Azalea Trail Festival	1,556	1,556
<hr/>		
7. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
<hr/>		
Total Big Nance Creek Water Management District	1,400	1,400
<hr/>		
8. BIRMINGHAM CHAMBER MUSIC SOCIETY:		
(a) Fine Arts Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
<hr/>		
Total Birmingham Chamber Music Society	1,556	1,556
<hr/>		
9. BIRMINGHAM FESTIVAL OF ARTS, INC.:		
(a) Fine Arts Program		15,230
SOURCE OF FUNDS:		
(1) State General Fund	15,230	
<hr/>		
Total Birmingham Festival of		

Arts, Inc.	15,230	15,230
<hr/>		
10. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTI- VAL:		
(a) Fine Arts Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
<hr/>		
Total Birmingham Interna- tional Educational Film Festi- val	7,500	7,500
<hr/>		
11. BLUE AND GRAY ASSOCIA- TION, INC.:		
(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
<hr/>		
Total Blue and Gray Associa- tion, Inc.	5,602	5,602
<hr/>		
12. CHILTON COUNTY PEACH FESTIVAL:		
(a) Tourism and Travel Promotion Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
<hr/>		
Total Chilton County Peach Festival	11,250	11,250
<hr/>		
13. CHOCCOLOCCO CREEK WA- TERSHED ASSOCIATION:		
(a) Water Resource Development Program		2,183
SOURCE OF FUNDS:		
(1) State General Fund	2,183	
<hr/>		
Total Choccolocco Creek Wa- tershed Association	2,183	2,183
<hr/>		

14. CIVIL AIR PATROL:

(a) Readiness and Recovery Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
<hr/>		
Total Civil Air Patrol	40,000	40,000
<hr/>		

15. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:

(a) Water Resource Development Program		7,784
SOURCE OF FUNDS:		
(1) State General Fund	7,784	
<hr/>		
Total Coosa-Alabama River Improvement Association	7,784	7,784
<hr/>		

16. COOSA RIVER ACTION COUNCIL, INC.:

(a) Water Resource Development Program		6,221
SOURCE OF FUNDS:		
(1) State General Fund	6,221	
<hr/>		
Total Coosa River Action Council, Inc.	6,221	6,221
<hr/>		

17. DEEP SEA FISHING RODEO, ALABAMA:

(a) Tourism and Travel Promotion Program		935
SOURCE OF FUNDS:		
(1) State General Fund	935	
<hr/>		
Total Alabama Deep Sea Fishing Rodeo	935	935
<hr/>		

18. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:

(a) Special Services Program		3,638
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SOURCE OF FUNDS:

(1) State General Fund	3,638	
<hr/>		
Total Mary E. Dorse Recrea- tional and Educational Center	3,638	3,638
<hr/>		

19. DYNNE CREEK WATERSHED
CONSERVANCY DISTRICT:

(a) Water Resource Development Program		1,400
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SOURCE OF FUNDS:

(1) State General Fund	1,400	
<hr/>		
Total Dynne Creek Watershed Conservancy District	1,400	1,400
<hr/>		

20. EAST ALABAMA CHILD DEVEL-
OPMENT PROGRAM:

(a) Financial Assistance Program:		800,000
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SOURCE OF FUNDS:

(1) State General Fund	800,000	
<hr/>		
Total East Alabama Child De- velopment Program	800,000	800,000
<hr/>		

21. ELK RIVER DEVELOPMENT
AGENCY:

(a) Water Resource Development Program		4,656
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SOURCE OF FUNDS:

(1) State General Fund	4,656	
<hr/>		
Total Elk River Development Agency	4,656	4,656
<hr/>		

22. ENERGY BOARD, SOUTHERN
STATE:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		20,536
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SOURCE OF FUNDS:

(1) State General Fund	20,536	
<hr/>		
Total Southern States Energy Board	20,536	20,536
<hr/>		
23. FOREST FESTIVAL, ALABAMA:		
(a) Forest Information and Education Program		4,610
SOURCE OF FUNDS:		
(1) State General Fund	4,610	
<hr/>		
Total Alabama Forest Festival	4,610	4,610
<hr/>		
24. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		8,398
SOURCE OF FUNDS:		
(1) State General Fund	8,398	
<hr/>		
Total Gulf Shores Tourist Association	8,398	8,398
<hr/>		
25. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program		11,068
SOURCE OF FUNDS:		
(1) State General Fund	11,068	
<hr/>		
Total Guntersville Boat Races	11,068	11,068
<hr/>		
26. HANK WILLIAMS MEMORIAL ASSOCIATION-GREENVILLE:		
(a) Historical Resources Management Program		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
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Total Hank Williams Memorial Association-Greenville	2,000	2,000
<hr/>		
27. HANK WILLIAMS MEMORIAL ASSOCIATION-GEORGIANA:		

(a) Historical Resources Management Program		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
Total Hank Williams Memorial Association-Georgiana	2,000	2,000
28. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Helen Keller Property Board	30,000	30,000
29. INTERSTATE MINING COMMISSION:		
(a) Planning Program		8,838
SOURCE OF FUNDS:		
(1) State General Fund	8,838	
Total Interstate Mining Commission	8,838	8,838
30. JUNIOR MISS PAGEANT, INC., AMERICA'S:		
(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total America's Junior Miss Pageant, Inc.	40,000	40,000
31. JUNIOR MISS PAGEANT, INC., ALABAMA'S:		
(a) Tourism and Travel Promotion Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	

Total Alabama's Junior Miss Pageant, Inc.		10,000	10,000
<hr/>			
32. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			1,400
SOURCE OF FUNDS:			
(1) State General Fund		1,400	
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Total Ketchepedrakee Creek Watershed Conservancy District		1,400	1,400
<hr/>			
33. LAKE EUFAULA SUMMER SPECTACULAR:			
(a) Tourism and Travel Promotion Program			5,602
SOURCE OF FUNDS:			
(1) State General Fund		5,602	
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Total Lake Eufaula Summer Spectacular		5,602	5,602
<hr/>			
34. LANDMARKS FOUNDATION, INC.:			
(a) Historical Resources Management Program			5,625
SOURCE OF FUNDS:			
(1) State General Fund		5,625	
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Total Landmarks Foundation, Inc.		5,625	5,625
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35. MOBILE AREA MARDI GRAS ASSOCIATION:			
(a) Tourism and Promotion			2,800
SOURCE OF FUNDS:			
(1) State General Fund		2,800	
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Total Mobile Area Mardi Gras Association		2,800	2,800
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36. MOBILE CARNIVAL ASSOCIATION:

(a) Tourism and Travel Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	
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Total Mobile Carnival Association	2,800	2,800
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37. MOBILE EXPLOREUM-MEDICAL:

(a) Educational Museum Services Program		21,000
SOURCE OF FUNDS:		
(1) State General Fund	21,000	
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Total Mobile Exploreum-Medical	21,000	21,000
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38. MOTOR SPORTS HALL OF FAME:

(a) Tourism and Travel Promotion Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
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Total Motor Sports Hall of Fame	75,000	75,000
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39. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:

(a) Tourism and Travel Promotion Program		14,306
SOURCE OF FUNDS:		
(1) State General Fund	14,306	
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Total Mountain Lakes Tourist Association, Alabama	14,306	14,306
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40. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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Total Alabama Music Hall of Fame	25,000	25,000
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41. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:

(a) Historical Resources Management Program		3,110
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SOURCE OF FUNDS:

(1) State General Fund	3,110	
<hr/>		
Total Pea River Historical and Genealogical Society	3,110	3,110
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42. PEA RIVER WATERSHED CONSERVANCY DISTRICT (Conservation Department) To be used for capital maintenance and improvements at Coffee County Lake:

(a) Water Resource Development Program		11,400
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SOURCE OF FUNDS:

(1) State General Fund	11,400	
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Total Pea River Watershed Conservancy District	11,400	11,400
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43. PEANUT FESTIVAL ASSOCIATION, INC., NATIONAL:

(a) Tourism and Travel Promotion Program		8,250
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SOURCE OF FUNDS:

(1) State General Fund	8,250	
<hr/>		
Total National Peanut Festival Association, Inc.	8,250	8,250
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44. PIKE COUNTY PIONEER MUSEUM ASSOCIATION:

(a) Historical Resources Management Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total Pike County Pioneer Museum Association	5,000	5,000
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45. RIVERBOAT COMMISSION, INC., MONTGOMERY:

(a) Tourism and Travel Promotion Program		10,000
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SOURCE OF FUNDS:

(1) State General Fund	10,000	
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Total Montgomery Riverboat Commission	10,000	10,000
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46. SAFE PLACE:

(a) Social Services Program		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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Total Safe Place	15,000	15,000
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47. SENIOR BOWL-MOBILE:

(a) Tourism and Travel Promotion Program		35,000
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SOURCE OF FUNDS:

(1) State General Fund	35,000	
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Total Senior Bowl-Mobile	35,000	35,000
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48. SHELBY COUNTY HISTORICAL ASSOCIATION:

(a) Historical Resources Management Program		8,750
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SOURCE OF FUNDS:

(1) State General Fund	8,750	
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Total Shelby County Historical Association	8,750	8,750
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49. SICKLE CELL EDUCATION PROGRAM:

(a) East Alabama Sickle Cell	62,500
(b) Jefferson County Sickle Cell ..	100,000
(c) Mobile Sickle Cell	70,000

SOURCE OF FUNDS:

(1) State General Fund	232,500
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Total Sickle Cell Education Program	232,500	232,500
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50. SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:

(a) Special Services Program	18,750
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SOURCE OF FUNDS:

(1) State General Fund	18,750
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Total Southern Center for International Studies, Annual Membership	18,750	18,750
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51. SOUTHERN CHAMPIONSHIP CHARITY HORSESHOW:

(a) Tourism and Travel Promotion Program	3,110
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SOURCE OF FUNDS:

(1) State General Fund	3,110
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Total Southern Championship Charity Horseshow	3,110	3,110
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52. SPIRIT OF AMERICA FESTIVAL, INC.:

(a) Tourism and Travel Promotion Program	2,801
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SOURCE OF FUNDS:

(1) State General Fund	2,801
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Total Spirit of America Festival, Inc.	2,801	2,801
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53. STEER SHOW ASSOCIATION, ALABAMA STATE:

(a) Agricultural Development Services Program	15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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Total Alabama State Steer Show Association	15,000	15,000
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54. TALLACOOSA HIGHLAND
LAKES ASSOCIATION:

(a) Tourism and Travel Promotion Program	5,602
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SOURCE OF FUNDS:

(1) State General Fund	5,602	
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Total Tallacoosa Highland Lakes Association	5,602	5,602
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55. TALLASSEEHATCHIE CREEK
WATERSHED CONSERVANCY
DISTRICT:

(a) Water Resource Development Program	1,237
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SOURCE OF FUNDS:

(1) State General Fund	1,237	
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Total Tallassee hatchie Creek Watershed Conservancy Dis- trict	1,237	1,237
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56. TENNESSEE RIVER VALLEY
ASSOCIATION:

(a) Water Resource Development Program	8,708
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SOURCE OF FUNDS:

(1) State General Fund	8,708	
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Total Tennessee River Valley Association	8,708	8,708
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57. TENNESSEE VALLEY PUBLIC-
ITY AND IMPROVEMENT AS-
SOCIATION:

(a) Tourism and Travel Promotion Program	24,881
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SOURCE OF FUNDS:

(1) State General Fund	24,881	
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Total Tennessee Valley Public- ity and Improvement Associa- tion	24,881	24,881
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58. TERRAPIN CREEK WATER-
SHED CONSERVANCY DIS-
TRICT:

(a) Water Resource Development Program		1,400
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SOURCE OF FUNDS:

(1) State General Fund	1,400	
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Total Terrapin Creek Water- shed Conservancy District	1,400	1,400
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59. TRAVEL COUNCIL, ALABAMA:

(a) Tourism and Travel Promotion Program		40,000
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SOURCE OF FUNDS:

(1) State General Fund	40,000	
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Total Alabama Travel Council	40,000	40,000
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60. TRI-RIVERS WATERWAY DE-
VELOPMENT ASSOCIATION:

(a) Water Resource Development Program		16,794
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SOURCE OF FUNDS:

(1) State General Fund	16,794	
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Total Tri-Rivers Waterway De- velopment Association	16,794	16,794
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61. VESTAVIA HILLS DOGWOOD
FESTIVAL AND TRAIL:

(a) Tourism and Travel Promotion Program		1,500
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SOURCE OF FUNDS:

(1) State General Fund	1,500	
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Total Vestavia Hills Dogwood		
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Festival and Trail	1,500	1,500
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62. VETERANS DAY IN ALABAMA:		
(a) Historical Resources Management Program		1,244
SOURCE OF FUNDS:		
(1) State General Fund	1,244	
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Total Veterans Day in Alabama	1,244	1,244
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63. VETERANS DAY COMMITTEE, NATIONAL:		
(a) Historical Resources Management Program		4,358
SOURCE OF FUNDS:		
(1) State General Fund	4,358	
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Total National Veterans Day Committee	4,358	4,358
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64. W.C. HANDY PROPERTY BOARD:		
(a) Historical Resources Management Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
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Total W.C. Handy Property Board	15,000	15,000
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65. Y.M.C.A. YOUTH LEGISLATURE:		
(a) Special Services Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
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Total Y.M.C.A. Youth Legislature	11,250	11,250
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66. GENEVA COUNTY TOMATO FESTIVAL:		
(a) Tourism and Travel Promotion Program		3,110

SOURCE OF FUNDS:

(1) State General Fund	3,110	
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Total Geneva County Tomato Festival	3,110	3,110
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67. ST. CLAIR COUNTY HISTORICAL SOCIETY:

(a) Historical Resources Management Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total St. Clair County Historical Society	5,000	5,000
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68. BEACON HOUSE-JASPER:

(a) Social Services Program		50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000	
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Total Beacon House-Jasper	50,000	50,000
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69. CHILTON COUNTY HISTORICAL SOCIETY:

(a) Historical Resources Management Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total Chilton County Historical Society	5,000	5,000
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70. BAYOU LA BATRE SEAFOOD FESTIVAL:

(a) Special Services Program		1,000
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SOURCE OF FUNDS:

(1) State General Fund	1,000	
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Total Bayou La Batre Seafood Festival	1,000	1,000
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71. CITRONELLE OIL BOWL:

(a) Special Services Program		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Total Citronelle Oil Bowl	500	500
72. CULTURE IN BLACK AND WHITE, INC.:		
(a) Special Services Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Culture in Black and White, Inc.	1,500	1,500
73. SIMPSON-MAY CEREBRAL PALSY CENTER:		
(a) Special Services Program		35,000
SOURCE OF FUNDS:		
(1) State General Fund	35,000	
Total Simpson-May Cerebral Palsy Center	35,000	35,000
74. ELYTON RECOVERY CENTER:		
(a) Non-Institutional Treatment and Care Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Elyton Recovery Center	75,000	75,000
75. ALABAMA COAL MINING MUSEUM, INC.:		
(a) Tourism and Travel Promotion Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Alabama Coal Mining Museum, Inc.	25,000	25,000
76. HIGH TECHNOLOGY ECO-		

NOMIC DEVELOPMENT FOUNDATION, INC.:

25,000

SOURCE OF FUNDS:

(1) State General Fund 25,000

Total High Technology Economic Development Foundation, Inc.

25,000

25,000

77. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:

(a) Tourism and Travel Promotion Program

7,500

SOURCE OF FUNDS:

(1) State General Fund 7,500

Total George Lindsey Celebrity Benefit, Inc.

7,500

7,500

78. CLEVELAND AVENUE BRANCH-YMCA IN MONTGOMERY:

(a) Special Services Program

4,005

SOURCE OF FUNDS:

(1) State General Fund 4,005

Total Cleveland Avenue Branch-YMCA in Montgomery

4,005

4,005

79. DEPARTMENT OF FINANCE-RETIRED SENIOR VOLUNTEER PROGRAM:

(a) Special Services Program

303,150

SOURCE OF FUNDS:

(1) State General Fund 303,150

Total Department of Finance-Retired Senior Volunteer Program

303,150

303,150

The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: \$34,664 to the Foster Grandparent and

Senior Companion Programs
and \$268,486 to the Retired
Senior Volunteer Programs.

80. BLOUNT COUNTY-ONEONTA
AGRI-BUSINESS ASSOCIATION-
FARMERS' MARKET:

(a) Special Services Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
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Total Blount County-Oneonta Agri-Business Association Farmers' Market	25,000	25,000
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F. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Im- provement Bonds, Series A and B, Estimated		1,371,308
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	1,371,308	
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Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,371,308	1,371,308
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2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated ..		1,020,797
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	1,020,797	
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Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,020,797	1,020,797
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3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,405,100
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	4,405,100	
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Total General Obligation Docks Facilities Bonds, Series A-C,		

Estimated	4,405,100	4,405,100
4. Inland Waterway Improvement Bonds, Series A, Estimated		179,912
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	179,912	
Total Inland Waterway Improvement Bonds, Series A, Estimated	179,912	179,912
5. Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated		4,163,661
SOURCE OF FUNDS:		
(1) State General Fund-Transfer Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661	
Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated	4,163,661	4,163,661
6. Corrections Institution Bonds, Estimated		1,054,062
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.	1,054,062	
Total Corrections Institution Bonds, Estimated	1,054,062	1,054,062
7. General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		55,309,820

SOURCE OF FUNDS:

(1) State General Fund- Transfer, Estimated	55,309,820	
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Total General Obligation Bonds, 1982, Series A and B, and General Obligation Re- funding Bonds, 1983, Series A and B, Estimated	55,309,820	55,309,820
		<hr/>

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Article 4, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are au-

thorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, §41-5-24.

Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 7. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 10. That this Act shall become effective October 1, 1983.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-772

H. 165—Rep. Bennett

AN ACT

To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal

and state credit unions.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, are hereby amended to read as follows:

“§ 5-17-2. (a) Any seven residents of the state of Alabama may apply to the supervisor of the bureau of credit unions for permission to organize a credit union.

“(b) A credit union is organized in the following manner: The applicants shall execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: (1) the name and location of the proposed credit union, (2) the names and addresses of the subscribers to the certificate and the number of shares subscribed by each, and (3) the par value of the shares of the credit union. They shall next prepare and adopt bylaws for the general governance of the credit union consistent with the provisions of this chapter and shall execute the same in duplicate. The certificate and bylaws, both executed in duplicate, shall be forwarded to the supervisor of the bureau of credit unions. The supervisor shall, within 30 days of the receipt of said certificate and bylaws, determine whether they conform with the provisions of this chapter and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this chapter. Thereupon the supervisor of the bureau of credit unions shall notify the applicants of his decision. If it is favorable, he shall issue a certificate of approval, attached to the duplicate certificate of organization, and return the same, together with the duplicate bylaws, to the applicants. The applicants shall thereupon file the said duplicate of the certificate of organization, with the certificate of approval attached thereto, with the judge of probate of the county within which the credit union is to do business, who shall make a record of said certificate and return it, along with his certificate of record attached thereto, to the supervisor of the bureau of credit unions for permanent record. Thereupon, the applicants shall become and be a credit union, incorporated in accordance with the provisions of this chapter. In order to simplify the organization of credit unions, the supervisor of the bureau of credit unions shall cause to be prepared an approved form of certificate of organization and a form of bylaws, consistent with this chapter, which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested bylaws.

“§ 5-17-3. It shall be a misdemeanor for any person, associa-

tion, copartnership or corporation, except corporations organized in accordance with the provisions of this chapter, credit unions incorporated under the laws of the United States and the Alabama Credit Union League, to use the words 'credit union' in their name or title. A corporation organized under the provisions of this chapter shall include in its corporate name or title the words 'credit union.' Provided, however, that a credit union organized in another state may conduct business as a credit union in this state with the approval of the supervisor of the bureau of credit unions provided (1) it is organized under laws similar to Alabama credit union laws; (2) it is financially solvent; (3) Alabama credit unions are allowed to do business in the other state under conditions similar to these provisions; (4) it has account insurance comparable to that required for Alabama credit unions; (5) it agrees to submit to the supervisor an annual examination report from its supervising agency; (6) the interest rate on loans made in Alabama does not exceed that allowed by Alabama law; (7) it complies with the same consumer protection provisions that Alabama credit unions must obey; and (8) it designates and maintains an agent for the service of process in Alabama.

"§ 5-17-10. At the annual meeting (the organization meeting shall be the first annual meeting), the credit union shall elect a board of directors of not less than five members, a credit committee of not less than three members and a supervisory committee of three members, all to hold office for such terms respectively as the bylaws provide and until successors qualify. A record of the names and addresses of the members of the board and committees and the officers shall be filed with the supervisor of the bureau of credit unions within 10 days of their election. If, however, the bylaws so provide, the board of directors shall carry out the functions and duties of the credit committee and the credit union shall not elect a credit committee.

"§ 5-17-11. (a) At the first meeting and at subsequent times prescribed in the bylaws, the directors shall elect a president. The president must be either a member of the board of directors or an employee of the credit union who is not a member of the board of directors. If the credit union elects a president who is not a member of the board of directors, the board of directors shall elect from their own number a chairman and one or more vice-chairmen of the board of directors. The board of directors shall have the power, in accordance with the bylaws, to remove any officer who is not a member of the board of directors. At the first meeting and at subsequent annual meetings prescribed in the bylaws, the directors shall elect from their own number, a secretary and treasurer, who may be the same individual.

"(b) The duties of the officers shall be as determined in the

bylaws. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly:

“(1) To act on application for membership.

“(2) To determine interest rates on loans and on deposits; provided that such loans shall be at reasonable rates of interest which shall not exceed one percent per month on unpaid balances.

“(3) To fix the amount of the surety bond which shall be required of all officers and employees handling money.

“(4) To declare dividends, and to transmit to the members recommended amendments to the bylaws.

“(5) To fill vacancies in the board and in the credit committee until successors are chosen and qualify.

“(6) To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security.

“(7) To have charge of investments other than loans to members.

“(8) To establish the par value of the share.

“(9) In the absence of a credit committee, and upon the written request of a member, review a loan application denied by a loan officer.

“§ 5-17-12. The credit committee shall have the general supervision of all loans to members. Applications for loans shall be on a form prepared by the credit committee and all applications shall set forth the purpose for which the loan is desired, the security, if any offered, and such other data as may be required. Within the meaning of this section, an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the credit committee shall pass on all loans, and approval must be unanimous; except, that the credit committee may appoint one or more loan officers and delegate to him or them the power to approve loans. Each loan officer shall furnish to the credit committee a record of each loan approved or not approved by him within seven days of the date of the filing of the application thereon. Upon written request of a member, the credit committee shall review a loan application denied by a loan officer.

“§ 5-17-15. Shares may be issued and withdrawn and deposits received and paid out in the name of a minor or in trust in such manner as the bylaws may provide. The name of the beneficiary must be disclosed to the credit union. If no other notice of the existence and terms of such trust has been given in writing to the corpo-

ration, such shares or deposits may, upon the death of the trustee, be transferred to or withdrawn by the person who was named by the trustee as the beneficiary or by his legal representative, and such transfer or withdrawal shall release the corporation from liability to any other claimant upon such shares or deposit.

“(a) Any deposit heretofore or hereafter made in any credit union in the names of two or more persons payable to any such persons, upon the death of either of said persons, may be paid by the credit union to the survivors jointly, irrespective of whether or not:

“(1) The form of the deposit or deposit contract contains any provision for survivorship;

“(2) the funds deposited were the property of only one said person;

“(3) there was at the time of making such deposits any intention on the part of the person making such deposit to vest the other with a present interest therein;

“(4) only one of said persons during their joint lives had the right to withdraw such deposits;

“(5) there was any delivery of any passbook, certificate of deposit or other writing by the person making such deposit to the other of such persons; or

“(6) any other circumstances.

“The credit union in which such deposit is made may pay such deposit, or any part thereof or interest thereon, to either of said persons, or if one is dead, to the surviving of them, and such payment shall fully release and discharge the credit union from all liability for any payment so made.

“(b) The provisions of this section shall apply to share accounts, deposit accounts and certificates of deposits and shall also apply to any deposit made in the names of more than two persons where there is an expressed written provision for survivorship in the deposit contract.

“(c) Nothing contained in this section shall be construed to prohibit the person making such deposit from withdrawing or collecting the same during his lifetime; nor shall anything contained in this section prohibit any person or persons making a deposit in the names of more than one person from providing for disposition of such deposit and interest thereon in a manner different from that provided above in this section, provided such different manner of disposition is expressly provided for in writing in the deposit contract.

“§ 5-17-16. Whenever a person shall die leaving a share or deposit account in a credit union not exceeding \$5,000.00, the credit union having the share or deposit account may discharge itself from liability thereafter by paying the funds in the share or deposit account to the widow or surviving husband of the deceased or, if there is no widow or surviving husband, to the persons having the actual custody or control of the minor child or children of the deceased; provided, that such person, if not the legal guardian, shall execute to the probate judge of the county a bond in the penal sum of double the amount of such deposit for the faithful accounting of the money so received, which shall be approved by said probate judge, or, if there is no minor child or children, to the person or persons who under the laws of Alabama are the heirs and inherit the personal property of the deceased. No such payment is to be made before the lapse of 60 days from the date of the death of the deceased, and no such payment must be made by the credit union under this section if letters testamentary or of administration have been issued to a personal representative or a proceeding is pending to probate a will of the deceased, or if a petition of letters of administration on the estate of the deceased is pending in the court in this state which would have jurisdiction of the administration of the estate. The amount or amounts of the share or deposit account, together with the other personal property of the deceased, shall not exceed the amount of exemption allowed by law, and the credit union shall be fully protected and discharged from further liability by paying such funds to the person or persons set forth above if the credit union obtains an affidavit of some reputable citizen as to such facts.

“§ 5-17-22. Merger and Conversion Procedures. Any credit union may, with the approval of the supervisor of the bureau of credit unions, merge with another credit union, under the existing certificate of organization of the other credit union, pursuant to any plan agreed upon by the majority of each board of directors of each credit union joining in the merger. In addition to approval by the supervisor and each board of directors, the membership of the merging credit union must also approve the merger plan in the following manner:

(1) At a meeting called for that purpose (notice of which purpose must be contained in the call) two thirds of those in attendance may vote to approve the merger plan. Notice of the meeting must have been mailed to the last know address of each member of the credit union at least 15 days prior to the date of the meeting.

(2) After agreement by the directors and approval by the members of the merging credit union, the president and secretary of the credit union shall execute a certificate of merger which shall set forth all of the following:

(a) The time and place of the meeting of the board of directors at which the plan was agreed upon;

(b) The vote in favor of the adoption of the plan;

(c) A copy of the resolution or other action by which the plan was agreed upon;

(d) The time and place of the meeting of the members at which the plan agreed upon was approved; and

(e) The vote by which the plan was approved by the members.

(3) Such certificate and a copy of the plan of merger agreed upon shall be forwarded to the supervisor, certified by him and returned to both credit unions within 30 days.

(4) Upon return of the certificate from the supervisor, all property, property rights and members' interest of the deed, endorsement or other instrument of transfer and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger was affected. The rights and privileges of the members of the merged credit union shall remain intact.

(5) A copy of the certificate approved by the supervisor shall be filed with the judge of probate of the county in which each credit union's certificate of organization is recorded.

(6) This section applies to credit unions organized under the laws of the state of Alabama. Federally chartered credit unions may be merged into Alabama organized credit unions, under the same conditions as Alabama credit unions; provided, that the merger plan is approved by the administrator of the national credit union administration.

(7) Credit unions organized under the laws of the state of Alabama may be merged into federally chartered credit unions under the same conditions as provided in this section; provided, that the merger plan is approved by the administrator of the national credit union administration.

(8) A federal credit union may be converted to a credit union chartered under the laws of Alabama and a state credit union may be converted to a Federal credit union by adhering to the requirements for the conversion of a federal credit union to a state credit union as specified by the Federal Credit Union Act, presently 12 U.S.C. § 1771 (a)(1).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-773

H. 288—Reps. Poole, Holley, Albright,
Junkins, Layton, Bennett,
Hall, Parker, Freeman,
Mitchell, Rogers, Smith,
Johnson (Roy), Brakefield,
Minus

AN ACT

To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-24 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 41-16-24.

“(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of \$2,000.00 by posting notice thereof on a bulletin board maintained outside his office door or by publication of notice thereof one time in a newspaper published in Montgomery county, Alabama, or in any other manner and for such lengths of time as he may determine; provided, however, that the purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request and such other persons, firms or corporations the purchasing agent deems necessary to insure competition. If any person, firm or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing may be cancelled by the purchasing agent, at his discretion.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be

retained and made a part of a permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of \$2,000.00 or less, the purchasing agent may make such purchases or contracts either upon the basis of sealed bids or in the open market, in his discretion.

“(d) No purchase or contract involving an amount in excess of \$2,000.00 shall be divided into parts involving amounts of \$2,000.00 or less for the purpose of avoiding the requirements of this article. All such partial contracts involving \$2,000.00 or less shall be void.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-774

H. 300—Reps. Nicholson, Brakefield
AN ACT

To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rulemaking procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-16-93(f) is amended to read as follows:

(f) The regulatory authority may request the attorney general

to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the circuit court for the county in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (1) violates or fails or refuses to comply with any order or decision issued by the regulatory authority under this article, or (2) interferes with, hinders or delays the regulatory authority or his authorized representatives in carrying out the provisions of this article, or (3) refuses to admit such authorized representative to the mine, or (4) refuses to permit inspection of the mine by such authorized representative, or (5) refuses to furnish any information or report requested by the regulatory authority in furtherance of the provisions of this article or (6) refuses to permit access to, and copying of, such records as the regulatory authority determines necessary in carrying out the provisions of this article. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Alabama Rules of Civil Procedure as amended. Any relief granted by the court to enforce an order under clause (1) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this article, unless, prior thereto, the circuit court granting such relief sets it aside or modifies it.

Section 2. Section 9-16-94(a) is amended to read as follows:

(a) Any permittee or operator who violates any permit condition or who violates any other provision of this article, may be assessed a civil penalty by the regulatory authority, except that if such violation leads to the issuance of a cessation order under 9-16-93, the civil penalty shall be assessed. Such penalty shall not exceed \$5,000.00 for each violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operations; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

Section 3. Section 9-16-95(f) is amended to read as follows:

(f) Any person who is injured in his person or property through the violation of any operator of any rule, regulation, order, or permit issued pursuant to this article may bring an action for

damages in the venue available under Alabama law. The court may award reasonable attorney and expert witness fees to the prevailing party. Nothing in this subsection shall affect the rights established by or limits imposed under state workmen's compensation laws.

Section 4. Section 9-16-99(2) is amended to read as follows:

(2) For surface mining operations affecting two acres or less, the regulatory authority may waive certain requirements of this article where those requirements will not affect the reclamation of the affected lands.

Section 5. Section 9-16-75 is amended to read as follows:

In adopting, amending or repealing any rule, including any regulation or standard, the regulatory authority shall observe the following procedure which procedure shall take precedence over the Alabama Administrative Procedure Act.

(1) The regulatory authority shall prepare a notice which describes the subjects for which the regulatory authority is considering promulgating rules and which solicits from all interested parties suggestions and comments in writing. The regulatory authority shall publish the notice in a newspaper of general circulation in the State of Alabama for two consecutive weeks and shall mail the notice to all licensees and to all those persons who have requested written notification of the regulatory authority's rule-making activities.

(2) No sooner than 30 days after publication of the notice pursuant to subdivision (1) of this section, the regulatory authority shall develop its proposed rules and shall prepare a notice which states that rules have been developed, solicits comments in writing, states that the proposed rules are available for inspection and provides an opportunity for public hearing to be held. The notice and a copy of the proposed rules, shall be mailed to all licensees, and all persons who have requested written notification of the regulatory authority's rule-making activities.

(3) At the public hearing held pursuant to subdivision (2) of this section, any interested person may appear and be heard concerning the proposed rules. A full and complete transcript shall be kept of any such hearing, a copy of which may be had by any person upon payment of the cost of the transcript. The regulatory authority shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption, amendment or repeal of a rule the regulatory authority, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reason for its action.

(4) The regulatory authority shall publish, or in its discretion

withdraw, its rules and shall file a certified copy thereof with the Legislative Reference Service and at the regulatory authority's principal office. Unless a longer period is prescribed by the regulatory authority, all rules and amendments and repeals thereof shall take effect 30 days after publication. The regulatory authority shall mail a copy of its rules immediately upon publication to all licensees, to all persons who have requested written notification of the regulatory authority's rule-making activities and shall make a copy of the rules available to any other person upon request.

(5) The validity or applicability of a rule, regulatory or standard may be determined in an action for a declaratory judgment, or its enforcement may be stayed by injunctive relief in the appropriate circuit court if the court finds that the rule, or its threatened application, interferes with or impairs; or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The regulatory authority shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions, exceeds the statutory authority of the regulatory authority or was adopted without substantial compliance with rule-making procedures provided for in this section.

(6) Any person may request written notification of the regulatory authority's rule-making activities by sending such request to the regulatory authority by certified or registered mail. The list of persons requesting written notification of rule-making activities shall be updated to maintain current addresses on an annual basis. Those not responding to the Commission's update inquiry shall be deleted from the list.

(7) Emergency rules. Notwithstanding any other provision of this article to the contrary, if the regulatory authority finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty days notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty days notice and states in writing its reasons for that finding, it may proceed without prior notice of hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor with the Legislative Reference Service and the secretary of the regulatory authority. The rule may be effective for a period of not longer than one hundred twenty days and shall not be renewable. The regulatory authority shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the regulatory authority clearly establishes it could not reasonably be foreseen during the initial one

hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar rule by normal rule-making procedures is not precluded.

Section 6. Section 9-16-79(1)(a) is amended to read as follows:

Procedures for hearings and appeals under this article shall be made as herein provided and in accordance with such general rules and regulations as the regulatory authority may prescribe. These procedures shall take precedence over the Alabama Administrative Procedure Act.

(1) a. A determination by the regulatory authority as specified by law shall be made promptly and shall include a statement as to the action to be taken and reasons therefore. Notice of the determination or decision shall be promptly given to the parties involved by delivery or by mailing such notices to their last known addresses. When the regulatory authority gives a notice of determination, unless an appeal is filed by any person having an interest which may be adversely affected with the chief hearing officer within 30 days of such notice such determination shall be deemed final and not subject to appeal.

Section 7. Section 9-16-87(d) is amended to read as follows:

(d) No operator shall affect more than one-half acre in any one location or remove more than 250 tons of coal pursuant to an exploration permit without the specific written approval of the regulatory authority. The written approval may be conditioned upon specific performance standards, reclamation standards, and a reclamation bond as required by regulations promulgated hereunder.

Section 8. Section 9-16-92(a)(4) is added to read as follows:

(4) In order to carry out the provisions of this article, it shall be lawful for any person or persons who are commission members, employees of the regulatory authority or any law enforcement officer who accompanies an authorized representative of the regulatory authority in the performance of his functions or duties under this article, to enter upon and cross all lands in the state, provided that in so doing no damage is done to private property.

Section 9. Section 9-16-94(e) is amended to read as follows:

(e) Any person who willfully and knowingly violates a condition of a permit issued pursuant to this article or fails or refuses to comply with any order issued under Section 9-16-79 or Section 9-16-93 of this article or any order incorporated in a final decision issued by the regulatory authority under this article, except an order incor-

porated in a decision issued under subsection (b) of this section, shall, upon conviction be punished by a fine of not more than \$10,000.00, or by imprisonment for not more than one year or both. Any person who willfully and knowingly engages in surface coal mining operations without a license and permit as required by this article shall upon conviction be punished by a fine of not more than \$10,000.00 per day for each and every day during which such violation continues, and shall be subject to imprisonment for not more than one year or both. In addition to any criminal penalty issued hereunder any person who affects land in violation of this subsection shall be required to post a bond in accordance with that of Section 9-16-89 and to reclaim the affected land.

Section 10. Section 9-16-89(h)(2) is amended as follows:

(h)(2) When determining the amounts of bond to be released after successful revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, the regulatory authority shall retain that amount of bond for the revegetated areas which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in Section 9-16-90 of reestablishing revegetation. No part of the bond or deposit shall be released under this subdivision so long as the lands to which the release would be applicable are contributing settleable solids to streamflow or runoff outside the permit area in excess of the requirements set by applicable State or Federal law or regulations, or until soil productivity for prime farm lands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 9-16-83(b)(15). Where a silt dam is to be retained as a permanent impoundment pursuant to Section 9-16-90(b)(8), the portion of bond may be released under this subdivision so long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.

Section 11. Section 9-16-90(b)(10)(b.1.) is amended to read as follows:

b.1. Conducting surface coal mining operations so as to prevent to the extent possible using the best technology currently available, additional contributions of suspended or settleable solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or Federal law.

Section 12. Section 9-16-105 is amended as follows:

Section 9-16-105. Constitutionality and validity of article.

(a) If Public Law 95-87, or any rule or regulation promulgated thereunder or any part of such Public Law 95-87, is adjudged unconstitutional or invalid for any reason, then such provisions of this article, or such rules or regulations as were adopted in order to comply with the provisions of Public Law 95-87 which correspond to such constitutional or invalid provisions shall become void and be of no further force and effect, and any regulations adopted by the commission implementing such provisions, or corresponding to any federal rules or regulations which are declared unconstitutional or invalid shall become void and be of no further force or effect. In the event Public Law 95-87 or any part thereof or any rule or regulation promulgated thereunder is enjoined, suspended or the enforcement thereof is stayed pending litigation, then the commission shall immediately suspend the enforcement of the corresponding section or sections of this Article, or any rules and regulations promulgated hereunder; such suspension to exist for a period of time co-extensive with the suspension and enforcement of such provisions of Public Law 95-87 or the rules or regulations adopted thereunder. In the event the congress of the United States repeals any provision of Public Law 95-87 then any corresponding provision of this article shall upon such repeal be of no further force and effect; in the event the congress of the United States amends Public Law 95-87 or the Secretary of the Interior amends any regulation adopted thereunder by lessening or in any way making the requirements of such act or regulations less restrictive on the state or on those engaged in the surface mining industry then such amendment shall be deemed to have amended this article in like manner, or, in the case of regulations, such modified regulation shall be adopted by the regulatory authority.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-775

H. 693—Rep. Zoghby

AN ACT

To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Ala-

bama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Act No. 81-1183, H. 71, 1981 3rd Special Session, is hereby amended to read as follows:

“Section 13. Renovation and Restoration of Buildings in Main Governmental Complex. Bond Proceeds and Investment Income in the amount of twelve million dollars (\$12,000,000) are hereby appropriated and allocated for payment of the costs of Capital Improvements (consisting primarily of renovation and restoration) and Capital Equipment with respect to the State Capitol Building, the present headquarters building of the State Highway Department and other buildings in the main governmental complex of the State, and the moneys so appropriated and allocated shall be disbursed from time to time for such purposes on order of the Governor, with the advice and consultation of the Building Commission and the Alabama Historical Commission and the Alabama Beautification Board, as in the case may be appropriate, provided however that no funds shall be expended pursuant to this section unless the plans for construction or renovation have been certified by the State Fire Marshal and State Building Commission to provide for access to and for the physically handicapped subject to the waiver provisions of Sections 21-4-4 and 21-4-5, Code of Alabama 1975.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-776

H. 762—Rep. Coburn

AN ACT

To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 F 7 of Act No. 82-569 (Regular Session 1982), is hereby amended to read as follows:

“7. General Obligation Bonds, 1982, Series A and B and General Obliga-

tion Refunding Bonds, 1983 Series
A and B, Estimated

66,677,328

SOURCE OF FUNDS:

(1) State General Fund
Transfer, Estimated 66,677,328
Pursuant to Constitutional
Amendment No. 395 (Pro-
posed by Act No. 81-1179,
adopted at the 1981 3rd
Special Session of the Leg-
islature.) Total General
Obligation Bonds, 1982,
Series A and B and Gen-
eral Obligation Refunding
Bonds, 1983 Series A and
B,

Estimated	66,677,328	66,677,328"
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Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-777

S. 562—Senators Bachus and Proctor

AN ACT

Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, there is hereby created within the probate judge's office a license division which shall issue all licenses issued through the probate judge's office, except marriage licenses. The county commission shall furnish suitable quarters and

provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks, and other assistants for said probate judge as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The probate judge shall have authority to employ such clerks, and other assistants, and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of the clerks and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The probate judge shall perform all duties relating to the assessment and collection of taxes on motor vehicles in the county, which have heretofore been performed by the tax assessor and tax collector. The tax assessor and the tax collector of Shelby County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles. The probate judge shall receive the commissions and fees now allowed the assessor and collector for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such tax shall be made at the same time as other reports and remittances are now made by the probate judge.

Section 3. The probate judge shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required to account for by law.

Section 4. Except as hereinafter provided, the probate judge shall be entitled to charge and collect the same fees that are provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said probate judge shall charge and collect a fee of \$1.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the probate judge until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said judge. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said probate judge who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act.

Section 6. Before any vehicle can be assessed, the probate judge shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said probate judge shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said probate judge shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 7. The probate judge may, at his discretion, mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be returned prior to the expiration date of the license. Such renewal forms may be in post card form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the probate judge to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county governing body to pay the cost of the mailing procedure

herein provided, and such fee shall be collected by the probate judge at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 8. The probate judge shall be a member of the Association of Tax Assessors and Tax Collectors. Any fees or dues for membership in the association shall be paid for by the county commission.

Section 9. The probate judge is hereby entitled to receive an additional expense allowance in the amount of five hundred dollars (\$500.00) per month. Said expense allowance shall be in addition to any and all other compensation and expenses heretofore provided by law and shall be payable out of the county general fund in the same manner as other expense allowances are paid.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-778

S. 559—Senator Cooley

AN ACT

Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), are hereby amended to read as follows:

“Section 1. There is hereby levied in Cullman County, in addition to all other taxes now imposed by law, a privilege or license tax, paralleling, at lower rate, the state tax on the businesses of renting rooms, lodging or accommodations to transients as provided for in Sections 40-26-1 through 40-26-21, Code of Alabama 1975, as heretofore or hereafter amended or supplemented, hereinafter referred to as state lodging tax, in the manner and at the rate hereinafter prescribed.

"Upon every person, firm, or corporation engaging in Cullman County in the business of renting or furnishing any room or rooms, lodging or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of three percent (3%) of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental or personal property and services furnished in such room. Provided, however, there is exempted from the tax levied under the provisions of this Act any rentals or services taxed under the provisions of the state Sales Tax Act under Chapter 23, Title 40, Code of Alabama 1975, as amended or as may hereafter be amended. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of thirty (30) continuous days or more in any place."

"Section 12. The state department of revenue shall charge Cullman County for collecting the county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the taxes for the county may be deducted each month from the taxes collected before certifying the amount of proceeds thereof due Cullman County for that month. The state commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the governing body of Cullman County, in an amount equal to the amount so certified by the state commissioner of revenue as having been collected for the use of the county. The custodian of the general funds of Cullman County shall upon receipt thereof transmit the tax levied herein to the Cullman County Chamber of Commerce and two thirds ($\frac{2}{3}$) of such funds shall be used, in the discretion of the Chamber of Com-

merce, exclusively for the purpose of developing and promoting tourism and conventions, and one third ($\frac{1}{3}$) shall be used exclusively for economic and industrial development purposes in the county."

Section 2. This Act shall become effective on the first day of the second month after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-779

S. 557—Senators Proctor and Bachus
AN ACT

Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, notwithstanding any law, rule or regulation to the contrary, outside the corporate limits of any municipality within the county, no license shall be issued for the retail sale of alcoholic beverages to any person, firm, partnership or corporation which sells alcoholic beverages at retail at any establishment which is located within five miles of an existing retail licensee of alcoholic beverages, on the effective date of this Act. The distance between retail licensees of alcoholic beverages shall be not less than five miles.

Section 2. It is provided further that licensees which have retail establishments existing as of the effective date of this act shall be exempt from the provisions of this act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-780

S. 501—Senator Keener

AN ACT

Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The constable of the District Court of Etowah County shall be paid an expense allowance of \$250 per month. Said expense allowance shall be in addition to all other expense allowances. Said money shall be paid from the county general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-781

S. 209—Senators Parsons, Goodwin,
Teague, Bedford, Corbett,
Smith (J) and Smith (B)

AN ACT

To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this Act, the term "political party" shall be defined as provided in §17-16-2 of the Code of Alabama 1975.

Section 2. Every individual who files a state income tax return may designate a contribution to a political party as provided under this section. Amounts of contributions for an individual return shall be \$1.00 and, for a joint return, \$2.00. Such contributions shall increase the tax liability of the taxpayer by the amount contributed.

Section 3. The designation for a political party shall appear on the face of the individual income tax return. The contributions so designated by the taxpayer and collected by the State of Alabama, Department of Revenue, shall be reserved for remittance to the appropriate officials of the state governing authority of the designated political party. The State Revenue Commission shall annually certify by December 1 all such designated amounts to be paid by the

State Comptroller, and the Comptroller shall remit by the following January 1 such funds to the appropriate officials of the state governing authority of the designated political party.

Section 4. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-782

S. 189—Senators Mitchem and Little

AN ACT

To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-4-49, Code of Alabama 1975, is hereby amended to read as follows:

“§ 29-4-49. In addition to legislative employees to be employed as provided in section 29-4-40, the chairman of the finance and taxation committee of the senate and the chairman of the ways and means committee of the house shall be authorized to employ one full-time secretary for such committee, and to fix the rate of compensation for such secretary, but such rate of compensation shall not exceed the maximum amount as may have heretofore or as may hereafter be allowed by law for such position, payable as other state employees are paid. In addition, the chairman of the finance and taxation committee of the senate and the chairman of the ways and means committee of the house shall each be authorized to employ one full-time clerk and to fix the rate of compensation for such clerks, but the rate of compensation shall not exceed the maximum amount as has heretofore or as may hereafter be allowed by law for such clerks.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-783

S. 385—Senator Foshee

AN ACT

To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the general fund in the state treasury, for the fiscal year ending September 30, 1983, the sum of \$80,491 to the office of the secretary of state for the purpose of implementing court-ordered elections and to pay the Finance Department Data Systems Management Division to maintain the state's business corporations records.

The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the office of secretary of state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-784

S.J.R. 335—Senator deGraffenried

SENATE JOINT RESOLUTION

CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

WHEREAS, the Presidential Commission Report on Excellence in Education finds that mediocrity is far more common in public education than is excellence; and

WHEREAS, Tuscaloosa County taxpayers invest in excess of fifty million dollars annually for public education in the county; and

WHEREAS, no comprehensive study or report has been conducted in Tuscaloosa County concerning the status of public education; and

WHEREAS, such a study would be extremely important and useful to our youth, to our state's economic development and to our general welfare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Committee to Study Public Education in Tuscaloosa County is hereby created and shall be composed of fifteen members as follows: The chairman of the Tuscaloosa County Board of Education, and the chairman of the Tuscaloosa City Board of Education shall serve as co-chairmen of the committee, and they shall call for the times, dates and locations of committee meetings; and the following persons shall be members of the committee: Mr. Mark Perkins, Mr. William Lanford, Mr. Charles Land, Mr. Jimmie Clements, Mr. James Horton, Mrs. Sadie Mallisham, Mrs. Jean Kelley, Mr. Leroy McAbee, Mr. Johnny Wiggins, Dr. Harrold Bishop, Mr. Sylvester Croom, Mr. Johnny Wyatt, Dr. Malcolm Portera, Dr. Don Rose, and Mr. Webb Sartain. Vacancies shall be filled jointly by the co-chairmen.

BE IT FURTHER RESOLVED, That the committee shall study all aspects of public education in Tuscaloosa County and shall make a comprehensive report on its findings and suggestions for improvement, to be completed as soon as possible, in no event later than January 1, 1984.

The report shall be bound and presented to each member of the Tuscaloosa County legislative delegation, to the Tuscaloosa County and City Boards of Education and a copy shall be placed in the Tuscaloosa County library and in the education library at the University of Alabama.

RESOLVED FURTHER, That the committee is authorized to employ any clerical, technical or consultant help they deem necessary, and the expenses of the committee shall be paid equally by the county and city boards of education.

Approved August 5, 1983

Time: 2:45 P.M.

Bishop, Boyington,
 Cabaniss, Cooley,
 Covington, deGraffenried,
 Denton, Dixon, Figures,
 Foshee, Goodwin,
 Harrison, Hilliard,
 Holmes, Keener,
 Kirkland, Little, Menton,
 Mitchell, Mitchem,
 Parsons, Pearson,
 Proctor, Robertson,
 Smith (B), Smith (J) and
 Teague

SENATE JOINT RESOLUTION

URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.

WHEREAS, the current Alabama state government telecommunication system, installed in 1975, has become overloaded bringing about problems in the necessary communications of said government; and

WHEREAS, these problems are severely impairing the ability of the Legislature to serve its constituency and address the problem of overall state government; and

WHEREAS, the court ordered divestiture of the A.T.&T. subsidiaries has impaired implementing the installation of a new, more efficient, more effective telecommunication system for the State; and

WHEREAS, the State of Alabama has made a conscientious and reasonable approach to resolve this matter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the State of Alabama, South Central Bell and American Bell, Incorporated, to move quickly and expeditiously to bring about the installation of the new telecommunication system, utilizing the most current technology, for the state government of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of the State of Alabama, to the President of South Central Bell and to the President of American Bell, Incorporated.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-786

S.J.R. 253—Senator Barron

SENATE JOINT RESOLUTION

NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

WHEREAS, the Legislature of Alabama takes great pride in noting the numerous civic and charitable contributions made by Mr. William Morris Beck; and

WHEREAS, Mr. Beck's contributions as a public servant have been many; he served as Judge of DeKalb County Court from 1939 to 1944, as Representative to the Alabama Legislature in 1939 and again in 1947, and from 1947 to 1951, he was Speaker of the House of Representatives; and

WHEREAS, born in Calhoun County on October 11, 1903, he attended Newberry College in South Carolina, graduated from Jacksonville State College and later attended Birmingham-Southern College; and

WHEREAS, from 1926 to 1932, Mr. Beck taught school in Calhoun and DeKalb Counties; in September of 1932, he was admitted to practice law in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Health and Fine Arts Building at Northeast Alabama State Junior College, the "William Morris Beck Health and Fine Arts Center."

BE IT FURTHER RESOLVED, That we express a desire that the proper authorities erect and maintain appropriate signs and markers so designating said facility.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-787

S.J.R. 251—Senator Barron

SENATE JOINT RESOLUTION

NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

WHEREAS, Harry Campbell, businessman and community leader, attended Section Elementary School, graduating from Jackson County High School in 1934 and from Auburn University (Alabama Polytechnic Institute) in 1939, with a B.S. in Agriculture; and

WHEREAS, he has remained an active supporter of education and when Section High School was established, served on the first board of trustees for the school; and

WHEREAS, he devoted much time and energy to secure a junior college for Northeast Alabama; and

WHEREAS, two years before the Junior College Act, the legislature passed a local bill to establish a junior college on Sand Mountain and although funding was not set up at the time, a board of trustees was appointed, with Harry Campbell named as chairman; and

WHEREAS, when the Junior College Act was passed in 1963, Harry Campbell, as president of the Sand Mountain Boosters' Club, worked closely with legislators, community leaders, and educational leaders from Jackson and DeKalb Counties, proposing the present site for Northeast Alabama State Junior College and appointing a general committee, with Harry Campbell as chairman, to coordinate efforts to secure the College for the proposed site on the Jackson-DeKalb County line; in these positions, Harry Campbell was instrumental in gaining support for Northeast Alabama State Junior College; and

WHEREAS, his interest in and support of the College continued after the opening of the College, and in fact, when classes began in 1965, Harry Campbell was a member of the Northeast Alabama State Junior College Chorus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his instrumentality in the establishment of Northeast Alabama State Junior College, we hereby name and designate the new business and education building at Northeast Alabama State Junior College, the "Harry Campbell Business and Education Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that a copy of this resolution shall be forwarded to Mr. Harry Campbell.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-788

H.J.R. 510—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, August 1, 1983, we adjourn sine die.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-789

H.J.R. 522—Rep. Casey

HOUSE JOINT RESOLUTION

NAMING THE ACTS THAT EACH HOUSE BILLS 56 and 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

WHEREAS, Representative Charles Martin and Senator Gary Aldridge have worked diligently and long hours in getting each House Bill 56 and House Bill 57 of the Regular Session 1983 enacted into law; and

WHEREAS, each said House Bill 56 and 57 relate to the prevention of child abuse which abuse has become a scourge on our society; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body, in recognition of the long hours and diligent work of Representative Charles Martin and Senator Gary Aldridge in the enactment of House Bill 56 and House Bill 57, Regular Session 1983, do hereby designate the acts which these said bills become "The Martin-Aldridge Act."

RESOLVED FURTHER, That Representative Charles Martin and Senator Gary Aldridge each receive a copy of this resolution so that they may know of their colleagues' high esteem and admiration and the designation of these acts in their honor.

Approved August 5, 1983

Time: 2:45 P.M.

Act No. 83-790

H.J.R. 528—Reps. Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

WHEREAS, Representative Duane Lewis, Representative of House District 50, Bessemer, now in his second term of office, has distinguished himself in the Alabama Legislature as a dedicated and effective legislator and for his outstanding leadership; and

WHEREAS, Representative Duane Lewis, a graduate of the University of Alabama, is a business entrepreneur; he is a member of: the Bessemer Board of Education, the Bessemer Area Chamber of Commerce, the Salvation Army Advisory Board, the Rotary Club, Mason, the Scottish Rite and Zamora Temple; and

WHEREAS, Representative Duane Lewis has been meticulously faithful to the representation of his constituents of House District 50 and with his legislative acumen he has sponsored and guided important and major legislation into law, including the staggered system of registration for the issuance of motor vehicles; the stiff D.U.I. (driving under the influence) penalties, and authorizing bank mergers, to name only a few; and

WHEREAS, Representative Duane Lewis has earned the admiration and high regard of his colleagues in the Alabama Legislature and the high esteem in which we hold him speaks eloquently of our assessment that he has contributed outstanding leadership in this body; and

WHEREAS, Representative Duane Lewis, is retiring from the legislature at the end of the Regular Session, 1983, and his colleagues will profoundly miss him, his affable manner, keen wit and perceptive wisdom; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our warmest personal regards and best wishes for every success in the future; we further most highly commend Representative Duane Lewis for outstanding legislative service and direct that he receive a copy of this resolution in declaration of our sincere affection and esteem.

Approved August 5, 1983

Time: 2:45 P.M.

**REPORT OF THE STATE JUDICIAL COMPENSATION
COMMISSION TO THE 1983 REGULAR SESSION OF
THE ALABAMA LEGISLATURE**

The Judicial Compensation Commission hereby files its report with the 1983 Regular Session of the Alabama Legislature.

The Commission wishes to commend and express its appreciation to the Legislature for increasing the compensation of state judges in the 1982 Regular Session. This increase brought the state salaries of Alabama judges to approximately the average compensation or judicial positions nationwide as of May 31, 1982. We note, however, that on July 1, 1982, increases in judicial compensation became effective in twelve (12) states ranging from four percent (4%) to fifteen percent (15%) and representing an average annual increase of seven percent (7%). Increases in six (6) other states have taken effect since July 1, 1982 and increases in four (4) states became effective in January, 1983. Thus twenty-two (22) states have increased judicial compensation since the 1982 report of this Commission became law on April 28, 1982. The Commission is also cognizant that the salaries of many state officials and state educators still exceed the compensation of judicial officers.

We are also very much aware of the shortfall in expected state revenues during the current fiscal year. Accordingly, we make no recommendation to increase the compensation of state judges in the 1983 Regular Session of the Legislature.

Respectfully submitted and certified to the Secretary of State of Alabama and both houses of the Legislature on this _____ day of _____, 1983.

J. CLEWIS TRUCKS
Chairman

October 21, 1982

**THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA**

OCTOBER TERM 1982-83

ORDER

WHEREAS, the Alabama Rules of Judicial Administration were adopted by the Supreme Court of Alabama on October 14, 1976; and

WHEREAS, the Supreme Court has given consideration to the

amendment of the Alabama Uniform Traffic Ticket and Complaint contained in Rule 19 of the Alabama Rules of Judicial Administration,

IT IS, THEREFORE, ORDERED that the revised Traffic Ticket and Complaint, Series G, attached hereto as Exhibit A, be, and the same is hereby, adopted.

IT IS FURTHER ORDERED that the said Alabama Uniform Traffic Ticket and Complaint, Series G, shall become effective on January 1, 1983.

Torbert, C.J., and Faulkner, Jones, Almon, Embry, Beatty, and Adams, JJ., concur.

Maddox and Shores, JJ., not sitting.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 21 day of Oct., 1982.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

NOTICE

1. YOU MUST APPEAR IN COURT ON THE TRIAL DATE SHOWN ON THE FRONT OF THIS TICKET IF YOU ARE CHARGED WITH AN OFFENSE NOT LISTED BELOW OR IF YOU HAVE NOT SETTLED THIS CASE PRIOR TO THAT TIME.
2. IF YOU HAVE NOT SETTLED THIS CASE PRIOR TO THE TRIAL DATE AND YOU DO NOT APPEAR IN COURT ON SUCH DATE, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND THE DEPARTMENT OF PUBLIC SAFETY WILL BE NOTIFIED TO SUSPEND YOUR DRIVER'S LICENSE.
3. YOU DO NOT HAVE TO APPEAR IN COURT FOR THE FOLLOWING OFFENSES UNLESS YOU HAVE BEEN CONVICTED OF TWO OR MORE TRAFFIC VIOLATIONS DURING THE PRECEDING 12 MONTHS (PARKING TICKETS EXCLUDED):

Driving on wrong side of road
Failing to:
Dim lights
Stop at railroad crossing
Yield right of way

Improper: Brakes
Lights
Muffler
Passing
Signal
Turn

Following too closely
No helmet (motorcycle rider)
Running red light
Running stop sign
Speeding (unaggravated)
Stopping on highway

4. IF YOU ARE CHARGED WITH ONE OF THE ABOVE OFFENSES AND HAVE NOT BEEN CONVICTED OF TWO OR MORE TRAFFIC VIOLATIONS DURING THE PRECEDING 12 MONTHS, THE COURT CLERK OR MAGISTRATE MAY ACCEPT YOUR PLEA OF GUILTY, FINE, AND COURT COSTS.
5. YOU MAY ENTER A PLEA OF GUILTY EITHER IN PERSON OR BY MAIL WITHIN SEVEN (7) DAYS FROM DATE OF CITATION OR, AT THE DISCRETION OF THE COURT CLERK OR MAGISTRATE, NOT LATER THAN 24 HOURS BEFORE THE COURT DATE SHOWN ON THE TICKET.
6. IF YOU WISH TO PLEAD GUILTY, YOU MUST SIGN THE APPEARANCE-PLEA OF GUILTY AND WAIVER SET FORTH BELOW AND PRESENT THIS COPY OF THE TICKET, WITH YOUR COURT COSTS AND FINE, EITHER IN PERSON OR BY MAIL, TO THE COURT CLERK OR MAGISTRATE.
7. YOU MUST CONTACT THE COURT FOR THE AMOUNT OF THE FINE AND COURT COSTS. PAYMENT MUST BE BY CERTIFIED CHECK OR MONEY ORDER IF MADE BY MAIL.

8. TICKETS ISSUED BY MUNICIPAL POLICE:

FOR MINOR EQUIPMENT VIOLATIONS, LOCAL ORDINANCES MAY ALLOW YOU TO HAVE THE EQUIPMENT REPAIRED AND INSPECTED WITHIN 72 HOURS, EXCLUDING SUNDAYS AND LEGAL HOLIDAYS, AND PRESENT YOUR CITATION TO ANY LAW ENFORCEMENT OFFICER. THIS OFFICER, AFTER INSPECTION OF YOUR VEHICLE, MAY, BY SIGNING BELOW, RECOMMEND THAT YOUR TICKET BE VOIDED. YOU MUST THEN DELIVER OR FORWARD THE CITATION TO THE COURT CLERK AT THE ADDRESS ON THE FRONT OF THIS TICKET.

DEFECTIVE EQUIPMENT REPAIRED (OFFICER'S RECOMMENDATION TO VOID TICKET)	
EQUIPMENT INSPECTED	
INSPECTED BY (OFFICER'S NAME PRINTED)	OFFICER'S SIGNATURE
OFFICER ID	AGENCY O.R.I. AL
DATE OF INSPECTION	TIME : <input type="checkbox"/> AM <input type="checkbox"/> PM

APPEARANCE—PLEA OF GUILTY AND WAIVER

I, THE UNDERSIGNED, DO HEREBY ENTER MY APPEARANCE ON THE COMPLAINT OF THE OFFENSE CHARGED ON THE OTHER SIDE OF THIS CITATION. I HAVE BEEN INFORMED OF MY RIGHT TO A TRIAL AND TO AN ATTORNEY AND VOLUNTARILY AND KNOWINGLY WAIVE MY RIGHT TO SUCH. MY SIGNATURE TO THIS PLEA OF GUILTY IS VOLUNTARILY AND KNOWINGLY MADE AND WILL HAVE THE SAME FORCE AND EFFECT AS A JUDGMENT OF COURT, AND THIS RECORD WILL BE SENT TO THE DRIVER LICENSE DIVISION OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY (OR OF THE STATE WHERE I RECEIVED MY LICENSE TO DRIVE). I DO HEREBY PLEAD GUILTY TO SAID OFFENSE AS CHARGED AND WAIVE MY RIGHTS TO REPRESENTATION BY ATTORNEY, TO A HEARING BY COURT OR JURY, AND TO ALL APPEALS.

OFFENSE	FINE \$	COURT COSTS \$	TOTAL DUE \$
DEFENDANT'S SIGNATURE	ADDRESS		
DRIVER'S LICENSE NUMBER	RECEIPT NUMBER	DATE PAID	

ALABAMA UNIFORM TRAFFIC TICKET AND COMPLAINT

INSTRUCTIONS TO OFFICERS
PRINT EVERYTHING BUT SIGNATURES
USE BALL POINT PEN AND PRESS HARD

1. This Uniform Traffic Ticket and Complaint (UTC) MAY NOT be used as a parking ticket.
2. Use a separate UTC for each violation.
3. Complete and sign the UTC, have the motorist sign his promise to appear in court, and give him the defendant's copy.
4. Advise the motorist to follow the instructions on the back of the UTC. Inform him of the consequences of failing to appear in court.
5. All copies of a voided ticket must be returned to the local issuing officer.
6. This ticket, including the statement of charges, has been approved by the Supreme Court of Alabama.

STATE CODES

AL	Alabama	LA	Louisiana	OR	Oregon
AK	Alaska	ME	Maine	PA	Pennsylvania
AZ	Arizona	MD	Maryland	RI	Rhode Island
AR	Arkansas	MA	Massachusetts	SC	South Carolina
CA	California	MI	Michigan	SD	South Dakota
CO	Colorado	MN	Minnesota	TN	Tennessee
CT	Connecticut	MS	Mississippi	TX	Texas
DE	Delaware	MO	Missouri	UT	Utah
DC	District of Columbia	MT	Montana	VT	Vermont
FL	Florida	NE	Nebraska	VA	Virginia
GA	Georgia	NV	Nevada	WA	Washington
HI	Hawaii	NH	New Hampshire	WV	West Virginia
ID	Idaho	NJ	New Jersey	WI	Wisconsin
IL	Illinois	NM	New Mexico	WY	Wyoming
IN	Indiana	NY	New York	AS	American Samoa
IA	Iowa	NC	North Carolina	CZ	Panama Canal Zone
KS	Kansas	ND	North Dakota	GU	Guam
KY	Kentucky	OH	Ohio	PR	Puerto Rico
		OK	Oklahoma	VI	Virgin Islands

SOBRIETY TEST

- | | |
|-----------|-------------------------|
| 1. Blood | 4. Unable to Administer |
| 2. Breath | 5. Refused Test |
| 3. Urine | 6. No Test |

ALABAMA UNIFORM TRAFFIC TICKET & COMPLAINT

G	
Beginning Ticket	G
Ending Ticket	G

Date Issued _____

Issuing Officer _____

 Received By: _____

Name
ID No.

AGENCY COPY

January 26, 1983

**THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA**

OCTOBER TERM 1982-83

ORDER

WHEREAS, the Board of Commissioners of the Alabama State Bar has submitted to the Court proposed amendments to Rules 3, 4(c) and 9 of the Rules of Disciplinary Enforcement, and the same having been considered by the Court and it being the Court's opinion that the same should be adopted,

IT IS, THEREFORE, ORDERED as follows:

1. That Rule 3 of the Rules of Disciplinary Enforcement be amended to read as follows:

TYPES OF DISCIPLINE

Discipline shall consist of any of the following:

- (a) Disbarment.
- (b) Suspension for a fixed period of time.

A suspension of three months or less shall not require proof of rehabilitation; a suspension of more than three months shall require proof of rehabilitation to be demonstrated in a reinstatement proceeding. No suspension shall be ordered for a specific period in excess of five years. (See Rule 19.)

(c) Temporary suspension.

On the joint petition of the General Counsel and the Disciplinary Commission, supported by an affidavit demonstrating facts personally known to affiant showing that an attorney appears to be causing great public harm by misappropriating funds to his own use, or otherwise, the Disciplinary Board may issue a restraining order imposing temporary conditions of probation on the attorney, or temporarily suspend the attorney or both. Any order of temporary probation which restricts the attorney from maintaining a trust account, shall, when served on any bank maintaining an account against which the attorney may make withdrawals, serve as the basis for a petition for an injunction to prevent the bank from further payment from the account or accounts on any obligation. Any order of temporary suspension issued under this Rule shall preclude the attorney from accepting any new cases but shall not preclude his continuing to represent existing clients during the first 28 days after issuance of such restraining order; however, any fees tendered to the attorney during the 28 day period shall be deposited in a trust fund from which withdrawals may be made. The attorney may request dissolution or amendment of any restraining order issued by the Disciplinary Board by petition filed with the Board, a copy of which shall be served on the General Counsel. The petition for dissolution shall be set for hearing within 7 days before the Disciplinary Board. The Disciplinary Board shall decide the petition forthwith and with the utmost speed consistent with due process. The Disciplinary Board may modify its order if appropriate and continue such provisions of the order as may be appropriate until final disposition of all disciplinary charges against the attorney. An appeal may be taken from decisions as provided in Rule 8.

(d) Public censure.

(e) Private reprimand.

(f) Private informal admonition.

In all cases involving the imposition of discipline consisting of disbarment, suspension or public censure, or the transfer of an attorney to disability inactive status, notice shall be published in the official Bar publication and in a newspaper of general circulation in each judicial circuit of the State of Alabama in which the disciplined or disabled attorney maintained an office for the practice of law.

The costs of publishing said newspaper notice shall be assessed against the disciplined or disabled attorney.

2. That Rule 4(c) of the Rules of Disciplinary Enforcement be amended to read as follows:

Three members shall constitute a quorum. Each Board shall act only with concurrence of a majority but, in any event, not less than three.

3. That Rule 9 of the Rules of Disciplinary Enforcement be amended to read as follows:

Complaints submitted hereunder or testimony with respect thereto shall be absolutely privileged and no lawsuit predicated thereon may be instituted.

The amendments to these rules shall become effective immediately.

All the justices, concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 27 day of Jan., 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

February 22, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1982-83

ORDER

IT IS ORDERED that Section 3 of the order entered by this Court on January 26, 1983, amending Rule 9 of the Rules of Disciplinary Enforcement, be amended to read as follows:

3. That Rule 9 of the Rules of Disciplinary Enforcement be amended to read as follows:

Complaints submitted hereunder or testimony with respect thereto shall be absolutely privileged and no lawsuit predicated thereon may be instituted.

Members of the Board of Commissioners of the Alabama State Bar, serving on a Disciplinary Board, or on the Disciplinary Commission, the General Counsel and their staffs, and any Grievance Committee authorized by Rule 8 hereof and the members thereof, shall be immune from suit for any conduct in the course of their official duties.

This amendment shall become effective immediately.

All Justices concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 22 day of Feb., 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

March 1, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1982-83

ORDER

WHEREAS, the Standing Committee on Alabama Rules of Civil Procedure recommended to the Court that proposed revisions of Rules 50 and 52, Alabama Rules of Civil Procedure, be adopted by the Court; and

WHEREAS, the Court has duly considered the proposed revisions.

IT IS, THEREFORE, ORDERED as follows:

1. Rule 50(b), Alabama Rules of Civil Procedure, is amended by changing the word "move" to "file a motion" so that the same shall read as follows:

(b) *Motion for Judgment Notwithstanding the Verdict.* Whenever a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion. Not later than 30 days after entry of judgment, a party who has moved for a

directed verdict may file a motion to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned, such party, within 30 days after the jury has been discharged, may file a motion for judgment in accordance with his motion for a directed verdict. A motion for a new trial may be joined with this motion, or a new trial may be prayed for in the alternative. If a verdict was returned the court may allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as if the requested verdict had been directed. If no verdict was returned the court may direct the entry of judgment as if the requested verdict had been directed or may order a new trial.

2. Rule 50(c)(2), Alabama Rules of Civil Procedure, is amended by changing the word "serve" to "file" so that the same shall read as follows:

(2) The party whose verdict has been set aside on motion for judgment notwithstanding the verdict may file a motion for a new trial pursuant to Rule 59 not later than 30 days after entry of the judgment notwithstanding the verdict.

3. Rule 52(b), Alabama Rules of Civil Procedure, is amended by changing the word "made" in the first sentence to "filed" so that the same shall read as follows:

(b) *Amendment.* Upon motion of a party filed not later than 30 days after judgment or entry of findings and conclusions the court may amend its findings or make additional findings or may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the court an objection to such findings or has made a motion to amend them or a motion for judgment or a motion for a new trial.

IT IS FURTHER ORDERED that the revisions made in this order shall be effective July 1, 1983.

Torbert, C. J., and Maddox, Faulkner, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 16 day of Mar., 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

May 16, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1982-83

ORDER

WHEREAS, this Court's advisory committee on rules of procedure applicable to district courts has recommended to the Court that proposed revisions to Rules 7(dc), 12(dc), 14(dc), 18(dc), 41(dc), 42(dc), 54(dc), 55(dc), 60, and 82(dc), Alabama Rules of Civil Procedure, and the committee's comments thereto, be adopted by the Court, and

WHEREAS, the proposed revisions were published in the Southern Reporter, 2d Series, advance sheet, so that all interested persons would have an opportunity to study them and file any comments concerning the proposed revisions with the Clerk of the Court not later than April 28, 1983, and

WHEREAS, no objections or comments concerning the proposed revisions have been filed with the Clerk of the Court,

IT IS, THEREFORE, ORDERED as follows:

1. Rule 7(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 7 applies in the district courts.

Amended eff. July 1, 1983.

District Court Committee Comments (Comments omitted, eff. July 1, 1983.)

2. Rule 12(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 12 applies in the district courts, except that (1) all time periods of thirty days are reduced to fourteen days for all actions other than an action for unlawful detainer, in which action a defendant shall serve his answer within seven days after service of the summons and complaint, and (2) the provi-

sions for the assertion of certain defenses by motion at the option of the pleader in Rule 12 are deleted.

Amended eff. July 1, 1983

District Court Committee Comments (Amended eff. July 1, 1983.)

The assertion of defenses by motion to dismiss, allowed in the circuit court by Rule 12(b), is not available in the district court; this is made clear by Rule 12(dc)(2). Of course, the defenses traditionally asserted under a Rule 12(b) motion can, nonetheless, be made by answer. For example, a defendant in an answer can include the ground that the plaintiff's complaint fails to state a claim upon which relief can be granted. However, a party will not be deemed in default if he has served an appearance in the form of a motion to dismiss. See Rule 55(dc).

The time for response in an action for unlawful detainer is 7 days, as provided in Rule 12(dc), and this time period applies regardless of whether the action is governed by § 6-6-330, et seq., Code 1975, or § 35-9-80, et seq., Code 1975. Any conflicting provisions of these statutes are to be deemed modified by Rule 12(dc)(1).

3. Rule 14(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 14 applies in the district courts to actions which are not on the small claims docket.

Amended eff. July 1, 1983.

District Court Committee Comments (Amended eff. July 1, 1983.)

The initial version of Rule 14(dc) withheld third party practice from district courts on the premise that the application of the concept of pendent venue to third party actions in controversies with no more than \$5,000 at stake would lead to substantial inconvenience or injustice to a third-party defendant as to whom venue would not otherwise have been appropriate in the district court.

The bench and bar soon saw the necessity for third-party practice in circumstances where venue would otherwise be appropriate as to a third-party defendant. The July 1, 1983, revision of Rule 14(dc) and the companion revision of Rule 82(dc) meet the criticism of the earlier version. With the revision of Rule 14(dc) and the companion revision of Rule 82(dc), third-party practice is proper in the district court when venue as to the third-party claim exists independently of venue as to the main action.

4. Rule 18(dc), Alabama Rules of Civil Procedure, is amended

to read:

(dc) District Court Rule. Rule 18 applies in the district courts, except that (1) in Rule 18(a) the provision for joinder of legal or equitable claims is limited to the joinder of claims which come within the jurisdiction of the district courts, (2) Rule 18(b) applies in the district courts only within the limits of the jurisdiction of the district courts, and (3) Rule 18(c) is deleted.

Amended eff. July 1, 1983.

District Court Committee Comments (Amended eff. July 1, 1983.)

The jurisdictional limitations contained in § 4-102 of the Judicial Article Implementation Act (Act 1205, 1975 Ala. Acts; § 12-12-30, Code 1975) must be read in conjunction with the provision for a joinder of claims, legal or equitable, referred to in Rule 18(a). Likewise, the jurisdiction limitation of the district court must be applied to any construction of Rule 18(b). Finally, Rule 18(c) deals with procedure in a jury trial and, in view of the absence of provision for trial by jury in the district court, has no applicability to the district courts.

5. Rule 41(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 41 applies in the district courts, except that the references to Rule 23(e) and Rule 66 at Rule 41(a)(1) are deleted.

Amended eff. July 1, 1983.

District Court Committee Comments (Amended eff. July 1, 1983.)

For commentary as to the unavailability of Rule 23 ("Class Actions") and Rule 66 ("Receivers"), see the District Court Committee Comments applicable to those rules.

6. Rule 42(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 42 applies in the district courts and the provisions for consolidation and separate trials provided therein should be applied liberally in recognition of the unavailability of jury trials in the district courts.

Amended eff. July 1, 1983.

District Court Committee Comments (Amended eff. July 1, 1983.)

The considerations that ordinarily might apply to consolidation

or separate trials under Rule 42 in the circuit courts may not necessarily apply in the district courts, because of the basic differences in the practice in the district courts.

7. Rule 54(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 54 applies in the district courts. Amended eff. July 1, 1983.

District Court Committee Comments (Comments omitted, eff. July 1, 1983.)

8. Rule 55(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 55 applies in the district courts, except that (1) the reference to a jury in Rule 55(b)(2) is deleted, (2) the time period of thirty days in Rule 55(c) is reduced to fourteen days, (3) the provisions dealing with a suit for divorce or annulment of marriage at Rule 55(e) are deleted, and (4) a party shall not be deemed in default if he has served an appearance in the form of a motion to dismiss.

Amended eff. July 1, 1983.

District Court Committee Comments (Amended eff. July 1, 1983.)

Reference to trial by jury at Rule 55(b)(2) is, of course, inappropriate for district court practice, in view of the absence of provision for jury trials. References to the provisions for suits for divorce or annulment of marriage at Rule 55(e) are inappropriate, because of the unavailability of such relief in the district court.

Motions for relief from default or default judgment within the fourteen days (Rule 55(c) as modified by Rule 55(dc)) should be denied only under the most extraordinary circumstances, in view of the limited time in which a defendant must serve an answer in the district court.

9. Rule 60, Alabama Rules of Civil Procedure, is amended to read:

District Court Committee Comments (Eff. July 1, 1983.)

Motions for relief from judgment should be looked upon favorably in instances where the time for the taking of an appeal has run in the district court, in view of the limited time in which a defendant must serve an answer in the district court.

10. Rule 82(dc), Alabama Rules of Civil Procedure, is amended to read:

(dc) District Court Rule. Rule 82 applies in the district courts, except that 1) it is limited by § 4-107 of the Judicial Article Implementation Act (Act 1205, 1975 Ala. Acts; § 12-12-36, Code 1975) and 2) the reference in (c) to Rule 14 is omitted so that (c) will be unavailable in third-party actions in the district court.

Amended eff. July 1, 1983.

District Court Committee Comments (Effective July 1, 1983.)

The initial version of Rule 14(dc) eliminated third-party practice from district courts on the premise that the concept of pendent venue provided for in Rule 82(c) should not be available in actions limited to a value of \$5,000. The July 1, 1983, revision of Rule 14(dc) to allow third-party practice meets a criticism of the earlier version of that rule, which had withheld the availability of third-party practice in district courts even where venue was otherwise proper as to the third-party defendant. With the July 1, 1983, revision of Rule 14(dc) and the companion revision of Rule 82(dc), third-party practice is proper in the district court when venue as to the third-party claim exists independently of venue as to the main action.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 19 day of May, 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

June 7, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1982-83

ORDER

WHEREAS, the Supreme Court of Alabama deems it proper to amend Rule 45B of the Alabama Rules of Appellate Procedure,

IT IS, THEREFORE, ORDERED that Rule 45B, Alabama Rules of Appellate Procedure, be amended to read as follows:

"RULE 45B

"The Court of Criminal Appeals shall not be obligated to consider questions or issues not presented in briefs on appeal, except in cases in which the death penalty has been imposed, in which cases the Court of Criminal Appeals shall consider all questions apparent on the record or reserved in the trial court.

"Amended effective June 7, 1983.

"COMMENT

"The amendment of June 7, 1983, was made so that this rule will agree with the holding in *Hoppins v. State*, [Ms. 82-431, May 6, 1983] ____ So. 2d ____ (Ala. 1983). This rule supersedes § 12-22-240, Code 1975."

Torbert, C. J., and Maddox, Faulkner, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 15 day of June, 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

June 7, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1982-83

ORDER

WHEREAS, the Board of Commissioners of the Alabama State Bar has submitted to the Court a proposed amendment to Rule 16(b) of the Rules of Disciplinary Enforcement, and the same having been considered by the Court, and it being the Court's opinion that the same should be adopted,

IT IS, THEREFORE, ORDERED that Rule 16(b), Rules of Disciplinary Enforcement, be amended to read as follows:

"(b) *Submission*. The General Counsel shall submit to the Disciplinary Commission any tendered conditional guilty plea, together

with the pending charges and any comments the General Counsel chooses to make. If either the General Counsel or the Disciplinary Commission recommends the tendered plea, but the other does not, then the recommendation, the tendered plea, and the matters and things submitted to the Disciplinary Commission shall be submitted to the Disciplinary Board, along with a statement indicating the objection of the party which has failed to recommend the tendered conditional guilty plea. If neither the General Counsel nor the Disciplinary Commission recommends the tendered conditional plea, then it shall not be submitted to the Disciplinary Board, and the Disciplinary Commission shall enter an order rejecting the conditional plea. If both the General Counsel and the Disciplinary Commission approve the tendered conditional plea, it shall not be submitted to the Disciplinary Board, but the Disciplinary Commission shall enter an order accepting and implementing the conditional plea. The Disciplinary Board shall either approve or reject any conditional plea submitted to it, and shall have no authority to make any modifications in its terms."

IT IS FURTHER ORDERED that this amendment be effective immediately.

Torbert, C. J., and Maddox, Faulkner, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 15 day of June, 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

June 7, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1982-83

ORDER

WHEREAS, when this Court approved Temporary Rule 12, Alabama Rules of Criminal Procedure, there appeared an error in Temporary Rule 12.3(f)(1); and

WHEREAS, the Court deems it desirable to correct that error;

NOW, THEREFORE, IT IS HEREBY CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 7th day of June, 1983, that Temporary Rule 12.3(f)(1), Alabama Rules of Criminal Procedure, be amended by deleting from the first sentence thereof the words "after the pronouncement of sentence" so that Rule 12.3(f)(1) shall read as follows:

"(1) *In General.* No motion for judgment of acquittal under this Temporary Rule 12.3 shall remain pending in the trial court for more than sixty (60) days except as provided in this section. A failure by the trial court to rule on such a motion within the sixty (60) days allowed by this section shall constitute a denial of the motion as of the sixtieth day. Provided, however, that with the express consent of the district attorney and the defendant or his attorney, which consent shall appear in the record, the motion may be carried past the sixtieth day to a date certain; if not ruled upon by the trial court as of the date to which the motion is continued, the motion is deemed denied as of that date, unless it has been continued again as provided in this section. The motion may be continued from time to time as provided in this section."

IT IS FURTHER ORDERED that this amendment be effective immediately.

Torbert, C. J., and Maddox, Faulkner, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 15 day of June, 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

June 20, 1983

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1982-83

ORDER

IT IS ORDERED that the order entered by this Court on June

7, 1983, amending Rule 45B of the Alabama Rules of Appellate Procedure be, and the same is hereby, rescinded;

IT IS FURTHER ORDERED that Rule 45B, Alabama Rules of Appellate Procedure, be amended so that the same shall read as follows:

"RULE 45B

**SCOPE OF REVIEW IN CASES OTHER
THAN DEATH CASES**

"In those criminal cases in which the death penalty has not been imposed, the Court of Criminal Appeals shall not be obligated to consider questions or issues not presented in briefs on appeal.

"Amended effective June 20, 1983.

"COMMENT

"The amendment of June 20, 1983, was made so that this rule will agree with the holding in *Hoppins v. State*, (Ms. 82-431, May 6, 1983) ____ So. 2d ____ (Ala. 1983)."

Torbert, CJ., Maddox, Faulkner, Jones, Almon, Shores, Embry, Beatty and Adams, JJ., concur.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 23 day of June, 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

**THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1982-83**

ORDER

WHEREAS, this Court's advisory committee on rules of criminal procedure has proposed for this Court's adoption certain rules of criminal procedure; and

WHEREAS, the Court deems it desirable to adopt temporary rules of criminal procedure relating to charges, joinder of offenses and defendants at trial, and pleadings and motions in preparation

for trial;

NOW, THEREFORE, IT IS HEREBY CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 3rd day of January, 1983, that Temporary Rules 15 and 16, Alabama Rules of Criminal Procedure, attached to this order as Exhibits "A" and "B" be, and the same hereby are, adopted, to become effective March 1, 1983.

All Justices concur, except Almon, J., not sitting.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 4 day of Jan., 1983.

DOROTHY F. NORWOOD
Acting Clerk,
Supreme Court of Alabama

EXHIBIT "A"

TEMPORARY RULE 15. CHARGES: INDICTMENT, INFORMATION, AND COMPLAINT

Temporary Rule 15.1 Definitions.

(a) *Indictment.* An indictment is a written statement charging the defendant or defendants named therein with the commission of an indictable offense, presented to the court by a grand jury, endorsed "A True Bill" and signed by the foreman. The term "indictment" includes "presentment."

(b) *Information.* An information is a written statement charging the defendant or defendants named therein with the commission of an indictable offense, made on oath, signed, and presented to the court by the district attorney without action by the grand jury.

(c) *Complaint.* A complaint is a written statement made upon oath before a judge or other official authorized by law to issue warrants of arrest, setting forth essential facts constituting an offense and alleging that the defendant committed the offense.

COMMENT

Temporary Rule 15.1(a) follows § 15-8-1, Code 1975, which provides in pertinent part: "An 'indictment' is an accusation in writing presented by the grand jury of the county, charging a person with an indictable offense."

Section 12-16-204, Code 1975, requires that after 12 grand jurors have concurred to find an indictment, the indictment must be endorsed "a true bill" and the endorsement signed by the foreman. The signature of the district attorney on an indictment is proper, but not necessary, *Hughes v. State*, 213 Ala. 555, 105 So. 664 (1925).

Professor M. Clinton McGee, *Alabama Criminal Practice* at 93 (University of Alabama Press, 1969), defines an "information" as "an accusation on oath of an official prosecuting officer filed in court, and without action by the grand jury."

The signature of the district attorney on an information is assurance that the proper authorities support the charges, that the district attorney, in his professional judgment, finds the charges warranted by the evidence brought before him, and that the charges are filed in good faith.

The use of an information has been severely restricted in Alabama. Article I, § 8, Ala. Const. 1901, provided that no person could be proceeded against criminally by information for an indictable offense, with certain exceptions. That section was later amended by Amendment 37, which provides:

"No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest."

The requirements in Amendment 37 are codified in §§ 15-15-20 through 15-15-26, Code 1975. Section 15-15-21 also requires that an information be made "under the oath of such district attorney or some witness."

The effect of Amendment 37 and those code sections is generally to limit the use of an information in Alabama to the situation where a defendant, before indictment, pleads guilty to a non-capital felony offense. (There is one other use for an information: impeachment under § 36-11-1, et seq., Code 1975.) It has been held that the defendant in a felony case cannot waive the absence of an indictment, except under the terms of Amendment 37 and § 15-15-20, et seq. *Kennedy v. State*, 39 Ala. App. 676, 107 So. 2d 913 (1958). In support of its holding, the court cited authority from another state to the effect that "the constitutional requisition of indictments generally in all cases of felony is not one conferring a mere personal privilege upon an accused person, but is so imbued with the public concern for due and proper administration of the law that no individual may waive it." 39 Ala. App. at 690, 107 So. 2d at 926.

Temporary Rule 15.2 Nature and Contents of Indictment or Information.

(a) *In General.* The indictment or information shall be a plain, concise statement of the facts in ordinary language sufficiently definite to inform a defendant of common understanding of the offense charged and with that degree of certainty which will enable the court, upon conviction, to pronounce the proper judgment.

(b) *Charging the Offense.* The indictment or information shall state for each separate offense, other than lesser included offenses, the official or customary citation of the statute, rule, regulation, or other provision of law which the defendant is alleged to have violated.

(c) *Notice of Necessarily Included Offenses.* Specification of an offense in an indictment or information shall constitute a charge of that offense and of all lesser offenses necessarily included therein.

(d) *Unnecessary Allegations.* An indictment or information which is in conformity with section (a) and (b) shall be sufficient. The indictment or information need not contain a formal commencement, a formal conclusion, or any other matter not necessary to the statement of facts, nor need it negative any defense or affirmative defense contained in any statute creating or defining the offense charged. Presumptions of law and matters of which judicial notice is taken need not be stated. It is not necessary to state the precise time or date at which or on which the offense is alleged to have been committed, or the place where the offense is alleged to have been committed. Unnecessary allegations may be disregarded as surplusage, and on motion of the defendant shall be stricken by the court if prejudicial or unduly prolix.

(e) *Motion for More Definite Statement.* A motion for more definite statement may be made at any time prior to entry of the defendant's plea, which motion shall be granted for good cause shown. A statement filed in compliance with a motion for more definite statement may be thereafter amended at any time subject to such conditions as justice requires.

COMMENT

This rule is designed to simplify the pleading in criminal matters, much the same as the pleading in civil actions has been simplified, and it eliminates the necessity of formal averments of such things as qualifications of grand jurors.

Section (a) contains language taken from § 15-8-25, Code 1975, which provides:

"An indictment must state the facts constituting the offense in ordinary and concise language, without prolixity or repetition, in such a manner as to enable a person of common understanding to know what is intended and with that degree of certainty which will enable the court, on conviction, to pronounce the proper judgment. In no case are the words 'force of arms' or 'contrary to the form of the statute' necessary."

Section (b) requires that the citation of any applicable statute,

etc., be included. Since adoption of the new criminal code, this should not be an undue burden. It will insure that the defendant and his attorney will know exactly what offense is charged and thus be able to discover and take advantage of any exception, defense, or affirmative defense permitted by law. Section (b) makes it clear that lesser included offenses do not have to be cited.

Section (c) provides that allegation of facts constituting an offense will encompass all lesser offenses necessarily included therein, without the necessity for stating them in the indictment or information. The elements of a lesser included offense are set out in § 13A-1-9(a), Code 1975.

Section (d) is included as a safeguard against the longstanding common law rules of pleading with which Alabama criminal procedure has been burdened. Statements of time and place are specifically made unnecessary by §§ 15-8-30 and 15-8-31, Code 1975, unless time is a material ingredient of the offense. This section supersedes § 15-8-3, Code 1975.

Section (e) provides a necessary safeguard for the defendant, in that for good cause shown he can compel the state to submit additional details of the offense not required to be set out in the body of the indictment. Because of the "good cause" requirement, it is contemplated that motions for more definite statement will not be made or granted routinely.

Temporary Rule 15.2, taken together with Temporary Rule 15.5(a), providing for amendment of charges, and Temporary Rule 16.5(c), tolling the running of statutes of limitations, should work to eliminate most circumstances where the state is precluded from prosecuting a defendant due to a pleading technicality.

See *Ex parte Allred*, 393 So. 2d 1030 (Ala. 1981), and *Hochman v. State*, 265 Ala. 1, 95 So. 2d 500 (1956).

Temporary Rule 15.3 Joinder, Consolidation, and Severance of Offenses.

(a) *Joinder.* Two or more offenses may be joined in an indictment, information, or complaint, if they:

- (i) are of the same or similar character; or
- (ii) are based on the same conduct or are otherwise connected in their commission; or
- (iii) are alleged to have been part of a common scheme or plan.

Offenses shall not be joined in the same count of an indictment or information. Felonies and misdemeanors may be joined in separate counts of the same indictment or information.

(b) *Consolidation.* If a defendant has been charged in separate indictments, informations, or complaints, the court, on its own initiative or on motion of either party, may, not later than seven days prior to trial, order that the charges be tried together if the offenses could have been joined in a single indictment, information, or complaint. Proceedings thereafter shall be the same as if the prosecution initially had been under a single indictment, information, or complaint. However, the court shall not order that the offenses be tried together without first providing the defendant and the prosecutor an opportunity to be heard.

(c) *Trial and Sentencing.* Offenses joined in the same indictment, information, or complaint, or joined for trial by court order pursuant to section (b), shall be jointly tried unless severed as provided in sections (d)-(f). The fact that offenses are jointly tried shall not affect the court's power to sentence the defendant separately for each offense of which he is convicted; nor shall it affect the court's power to provide that sentences shall run concurrently or consecutively, just as if the defendant had been tried separately for each offense.

(d) *Severance Grounds.* If the court finds that by a joinder of offenses in an indictment, information, or complaint, or by consolidation for trial, as provided in this rule, a defendant or the state may be prejudiced to the extent that a fair trial cannot be afforded, the court shall order an election or separate trials of counts or charges or provide whatever other relief justice may require. Without a finding of prejudice, however, the court may, with the agreement of the parties, order an election or separate trials of counts or charges.

(e) *Timing of Severance Motion.* In the circuit court a motion to sever offenses must be made not more than seven (7) days after arraignment; or, if there was no arraignment, then within seven (7) days after the filing of a written plea of not guilty; or, in the event the court has ordered charges to be tried jointly, pursuant to section (b), then within seven (7) days of the court's order; but in any event, subject only to the further provisions of this section (e), such a motion must be made prior to commencement of trial. In other courts such a motion must be made not more than seven (7) days after the filing of the joined charges; or, in the event the court has ordered that charges be tried jointly, pursuant to section (b), then within seven (7) days of the court's order; but in any event, subject only to the further provisions of this section (e), such a motion must be made prior to the commencement of trial. If, after the expiration of these time periods, a ground which was not previously known arises or becomes known, either before or during trial, and that ground could not have been discovered previously through the exercise of

due diligence, then a party may move for a severance of counts, but must do so at the earliest reasonable opportunity. The right to move for severance is waived if a proper motion is not timely made.

(f) *Severance During Trial; Jeopardy.* No severance of offenses may be ordered after trial has commenced unless the defendant consents and a mistrial has been properly declared as to the offenses to be severed, based upon his consent, or unless a mistrial as to the severed offenses has been properly declared on some other ground. Severance of offenses during trial on motion of the defendant or with the defendant's consent shall not bar a subsequent trial of that defendant on the offenses severed.

Temporary Rule 15.4 Joinder, Consolidation, and Severance of Defendants.

(a) *Joinder.* Two or more defendants may be charged in the same indictment, information, or complaint:

(i) if they are alleged to have participated in the same act or transaction; or

(ii) when the several offenses are a part of a common conspiracy, scheme, or plan; or

(iii) when the several offenses are otherwise so closely connected that it would be difficult to separate the proof of one from the proof of the other.

Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

(b) *Consolidation.* If defendants are charged in separate indictments, informations, or complaints, the court, on its own initiative or on motion of any party, may, no later than seven (7) days prior to trial, order that the defendants be joined for the purposes of trial if the defendants could have been joined in a single indictment, information, or complaint. Proceedings thereafter shall be the same as if the prosecution initially had been under a single indictment, information, or complaint. However, the court shall not order that the defendants be tried together without first providing the defendants and the prosecutor an opportunity to be heard.

(c) *Trial.* Defendants joined in the same indictment, information, or complaint, or joined for trial by court order pursuant to section (b), shall be jointly tried unless severed as provided in sections (d)-(g).

(d) *Severance Grounds.* If the court finds that by a joinder of defendants in an indictment, information, or complaint, or a joinder by order of court, as provided in this rule, a defendant or the state

may be prejudiced to the extent that a fair trial cannot be afforded, the court shall order a severance of defendants or provide whatever other relief justice requires. However, without a finding of prejudice, the court may, with the agreement of all the parties, order a severance of defendants.

(e) *Inspection of Statements.* In ruling on a defendant's motion for a severance, the court may order the prosecutor to deliver or reveal to the court for inspection or consideration by the court and all parties any statements or confessions made by the defendants which the state intends to introduce in evidence at the trial.

(f) *Timing of Severance Motion.* In the circuit court a motion to sever defendants must be made not more than seven (7) days after arraignment; or, if there was no arraignment, then within seven (7) days after the filing of a written plea of not guilty; or, in the event the court has ordered defendants to be tried jointly, pursuant to section (b), then within seven (7) days of the court's order; but in any event, subject only to the further provisions of this section (f), such a motion must be made prior to commencement of trial. In other courts such a motion must be made not more than seven (7) days after the filing of the charge or charges against the joined defendants; or, in the event the court has ordered that defendants be tried jointly, pursuant to section (b), then within seven (7) days of the court's order; but in any event, subject only to the further provisions of this section (f), such a motion must be made prior to the commencement of trial. If, after the expiration of these time periods, a ground which was not previously known arises or becomes known, either before or during trial, and that ground could not have been discovered previously through the exercise of due diligence, then a party may move for a severance of defendants, but must do so at the earliest reasonable opportunity. The right to move for severance is waived if a proper motion is not timely made.

(g) *Severance During Trial; Jeopardy.* No severance of the defendants may be ordered after trial has commenced unless the defendant who is to be severed for separate trial consents and a mistrial has been properly declared as to that defendant, based upon his consent, or unless a mistrial has been properly declared as to that defendant on some other ground. Severance of a defendant during trial upon his motion or with his consent shall not bar a subsequent trial of that defendant.

(h) *Additional Jurors.* If two (2) or more persons are being tried jointly, to the minimum number of names otherwise required for striking there shall be added twelve (12) additional names for each additional defendant; provided, there shall then also be added so many more names as may be necessary to allow all defendants an

equal number of strikes. The district attorney shall strike first, and shall strike one (1) name from the list; then one (1) defendant shall strike one (1) name from the list; then the district attorney shall strike one (1) more name from the list; and then the next defendant shall strike one (1) name from the list. The defendants shall each have a turn in the same order as the filing of the charges against them; or if they were charged in the same instrument, then in the order in which their respective charges appear therein; unless they agree upon a different order. The parties shall continue to strike off names alternately, first the state, then one defendant, in this fashion until only twelve (12) names remain on the list, and the twelve (12) persons thus selected shall be the jury charged with the trial of the defendants.

Temporary Rule 15.5 Amendment of the Charges; Defects in the Charges.

(a) *Amendment of Charge.* A charge may be amended by order of the court with the consent of the defendant in all cases except to change the offense or to charge new offenses not included in the original indictment, information, or complaint.

(b) *Defects in Charges.* No issue concerning a defect in the charges shall be raised other than by a motion filed in accordance with Temporary Rule 16.

(c) *Effect of Defect in Charge.*

(a) A motion to dismiss the indictment may be based upon objections to the venire, the lack of legal qualifications of an individual grand juror, the legal insufficiency of the indictment, or the failure of the indictment to charge an offense.

(2) No charge shall be deemed invalid, nor shall the trial, judgment, or other proceedings thereon be stayed, arrested, or in any manner affected, for any defect or imperfection in the charge which does not tend to prejudice the substantial rights of the defendant upon the merits.

COMMENT

Section 15-8-90, Code 1975, provides:

"An indictment may be amended, with the consent of the defendant entered of record, when the name of the defendant is incorrectly stated or when any person, property or matter therein stated is incorrectly described."

This Code section reflects the common law rule that an indictment cannot be amended, even as to immaterial matters, without the consent of the defendant, and it has been consistently held that to permit amendment without such consent is reversible error. *Gregory v.*

State, 46 Ala. 151 (1871); *Dix v. State*, 8 Ala. App. 338, 62 So. 1007 (1913).

If the defendant refused to consent, or if the amendment was as to a matter of substance and not of form, then the procedure was to seek a new indictment:

"If the defendant will not consent to such amendment of an indictment, the prosecution may be dismissed at any time before the jury retires as to the count in the indictment to which the variance applies, and the court may order another indictment to be preferred at a subsequent time"

Section 15-8-91, Code 1975.

The common law rule, however (except as to amendments to charge a new offense not contemplated in the original indictment), appears to be statutory and not constitutional.

Sections 15.5(b) and (c)(1) make it clear that the proper means of challenging the legality or sufficiency of the indictment is by motion to dismiss under Temporary Rule 16. Temporary Rule 15.5(c) is not intended, however, to eliminate challenges to indictments on jurisdictional grounds. Temporary Rule 15.5(c)(2) provides a requirement that the defect be prejudicial to the defendant before it will be fatal to a conviction.

In cases where the circuit court has original trial jurisdiction over an indictment charging a felony offense, the court does not lose jurisdiction if the indictment is amended to charge only a misdemeanor offense, or if all felony offenses charged therein are dismissed or nol-prossed. See § 12-12-32(a), Code 1975.

EXHIBIT "B"

TEMPORARY RULE 16. PREPARATION FOR TRIAL;
PLEADINGS AND MOTIONS*Temporary Rule 16.1 Pleadings and Motions.*

(a) *Pleadings for the State.* A formal charge shall be by indictment, information, or complaint.

(b) *Pleadings by the Defendant.* The pleas available to the defendant are the pleas of 1) guilty, 2) not guilty, 3) not guilty by reason of mental disease or defect, and 4) not guilty and not guilty by reason of mental disease or defect. Defenses and objections raised before the trial shall be raised only by motion to dismiss or by motion to grant appropriate relief, as provided in this rule. Demurrers, pleas in abatement, motions to quash, and all other pleas are abolished.

COMMENT

This rule is designed to simplify the procedure and avoid the technical distinctions that serve as traps for the unwary. To that extent it parallels the simplification of the Alabama Rules of Civil Procedure.

Under this rule, the form or styling of the motion is not important, and substance shall govern over form.

Temporary Rule 16.2 Objections and Defenses Which Must Be Raised by Motion.

(a) *Objections and Defenses Which Must Be Raised by Pre-trial Motion.* Objections based on defects in the commencement of the proceeding or in the charge, other than lack of subject matter jurisdiction or failure to charge an offense, may be raised only by pre-trial motion made in accordance with Temporary Rule 16.3.

(b) *All Objections and Defenses Included.* The pre-trial motion shall include all such objections and defenses then available to the defendant.

(c) *Waiver.* Failure to present any objection or defense as provided in sections (a) and (b) constitutes a waiver thereof, but the court for good cause shown may grant relief from the waiver.

(d) *Objections Which May Be Raised at Any Time.* The lack of subject matter jurisdiction or the failure of the charge to state an offense may be raised by the court or by motion of the defendant at any time during the pendency of the proceeding. Once such an issue is raised by the court, the procedure thereafter shall be the same as if the defendant had raised the issue by appropriate motion.

(e) *Effect of Motion on Plea.* If a plea has been entered prior to the time a pre-trial motion is made, the plea shall stand and need not be withdrawn before the motion is made or reentered should the motion be ruled upon adversely to the defendant.

COMMENT

Temporary Rule 16.2 requires that certain objections be made and defenses raised by motion before trial. Objections to the venire or to an individual grand juror or to the venue must be raised by such a motion before trial.

The exceptions are lack of subject matter jurisdiction and failure to charge an offense. The rule is different from Rule 12(b)(2), Fed. R. Crim. P., in that it adds the words "subject matter" before the word "jurisdiction." This merely expresses the accepted interpretation of the federal rule, since objections to personal jurisdiction can be waived by failure to timely object. See *Hess v. United States*, 254 F.2d 578 (8th Cir. 1958).

If a defendant wishes to raise the defense of double jeopardy, the denial of a speedy trial, or any similar defense, the defense should be raised by a motion under this section.

Section (e) provides that one does not have to withdraw a plea previously entered before he can take advantage of a defense or objection by motion. Under prior practice a plea of not guilty had to be withdrawn before a plea in abatement or motion to quash could be entered.

Temporary Rule 16.3 Time of Making Motions.

(a) *Pre-trial Motions.* Any motion which must under Temporary Rule 16.2 be made before trial must be made:

(1) In circuit court at or before arraignment or by such later date as may be set by the court; and

(2) In district court or municipal court at the time of or before entering a plea.

(b) *Extension or Limitation of Time.* The court may extend or limit the time of filing such motions for good cause.

COMMENT

If counsel is first appointed at arraignment, then, if necessary, the court should continue the time for filing the plea until counsel has had time to prepare all necessary motions. The provision for time limitations is an attempt to accommodate local rules of practice in the various circuits.

Temporary Rule 16.4 Hearing on Motion.

(a) *Determination of Motions.* A motion raising defenses or objections made before trial pursuant to this rule shall be determined before trial, unless the court for good cause orders that it be deferred for determination at the trial on the merits.

(b) *Jury Trial.* An issue of fact raised by the motion shall be tried by a jury if a jury trial is constitutionally required, unless jury trial of the issue of fact is waived.

(c) *Court Trial.* All other issues of fact raised by the motion shall be determined by the court without a jury in such manner as the court may direct.

COMMENT

Temporary Rule 16.4 requires that the pre-trial motion be determined by the court before trial unless deferred for good cause until the trial. Where the motion raises an issue better determined during the trial, it would be proper to defer the motion. For example, the question of venue may be "[one of] fact so entwined with the merits . . . that a decision should not be made prior to trial but postponed until trial." *United States v. Callahan*, 300 F. Supp. 519 (S.D.N.Y. 1969). In the *Callahan* case the defendants were charged with a conspiracy, and venue was allegedly based on the planning having been done in the county of trial. In order to prove venue, the planning of the crime would have to be shown. This motion was properly deferred until the trial.

On the other hand, the motion may raise only questions of law which would properly be decided by the court. The purpose of this rule is to dispose of defenses which may be determinative of the case, but which do not require a trial on the merits. Such determinations will reduce the expense of trial; thus, trial judges should determine pre-trial motions in advance of trial in all possible instances.

This rule allows the judge to decide all issues of fact raised by the motion which are not constitutionally required to be tried by a jury. Examples of such facts would be the waiver of constitutional rights, legality of searches, the presence of unauthorized persons in the grand jury room, and discrimination in the selection of the grand jurors. See *United States v. Smyth*, 104 F. Supp. 279 (N.D. Cal. 1952); *Shafer v. State*, 214 Tenn. 416, 381 S.W.2d 254 (1964). See also *Pate v. Robinson*, 383 U.S. 375 (1966), requiring a hearing on the question of competence to stand trial when that issue is raised by the evidence presented at trial.

Temporary Rule 16.5 Effect of Determination of Motion.

(a) *Effect of Granting Motion Based on Defective Charge.* If

the court grants a motion based on a defect in the commencement of the proceedings or in the charge, the court shall order the defendant released, or on motion of the district attorney may order that the defendant be held in custody, or that his pre-trial release be continued for a reasonable specified time pending the filing of a new charge.

(b) *Adverse Determination.* If a motion is determined adversely to the defendant, he shall plead if he has not done so previously.

(c) *Statutes of Limitations Tolled.* The running of any applicable statute of limitations shall be tolled by the issuance of the charging instrument until such time as the court grants a motion to dismiss based on a defect in the commencement of the proceedings or in the charge, unless the court in granting the motion finds that the state has not made a good faith effort to proceed properly or that the defendant has been prejudiced by any resulting delay.

COMMENT

If a motion to dismiss is granted due to some defect in the charge or in the institution of the prosecution, section (a) allows the court to insure that the defendant will be available when the new charge is filed.

Section (c) is added to avoid penalizing the state for an inadvertent technical error which has not prejudiced the defendant and it is intended that if a motion to dismiss is granted due to a defect in the charge or in the institution of the prosecution, the time period for which the charging instrument was in effect is also tolled.

Temporary Rule 16.6 Motion for Pre-trial Determination of Admissibility of Evidence.

(a) *Unlawful Search.* A defendant aggrieved by an allegedly unlawful search or seizure may move the court to suppress for use as evidence anything so obtained.

(b) *Admissibility of Evidence.* Upon motion of either party or upon its own motion, the court may order that the question of the admissibility of any specified evidence be submitted for pre-trial determination as if a motion to suppress had been filed by the party opposed to the introduction of the evidence.

(c) *Hearing on Motion.* The judge shall receive evidence on any issue of fact necessary to the determination of the motion.

(d) *Effect of Granting Motion.* If the motion is granted, any suppressed property which was seized shall be restored to its owner or last possessor, unless otherwise subject to lawful detention, and shall not be admissible in evidence at any further stage of the

proceedings.

(e) *Orders In Limine*. The court for good cause shown may order that any party, witness, or attorney refrain from asking certain questions, giving certain answers, or in any manner directly or indirectly referring to or alluding to any otherwise inadmissible fact, matter, or circumstance during the course of trial or in the presence of jurors or the venire.

COMMENT

Ordinarily a motion to suppress may be used only to test the admissibility of evidence alleged to be illegally seized. Section (a) deals with this kind of motion.

The admissibility of evidence such as confessions and line-up identification in prior practice generally could not be determined by the traditional motion to suppress, and these questions were argued at trial out of the presence of the jury. Section (b) provides a method of dealing with such matters before trial. Section (b) allows, but does not require, the court to order a question of admissibility to be submitted for pre-trial determination. In making its determination the court shall proceed as if a motion to suppress the evidence had been filed by the party opposed to the introduction of the evidence.

Section (b) allows a party to ask the court to require the other party to challenge his evidence before trial or else waive the right to have the evidence excluded at trial. Thus, the state can petition the court for an order submitting the question of the admissibility of a line-up identification for pre-trial determination. If the court in its discretion grants the order, and defense counsel fails to challenge the lineup identification, he cannot later make such a challenge at trial.

This rule should result in an increased efficiency in the conduct of criminal trials. It gives the state a means of determining at a pre-trial level the admissibility of evidence.

Section (e) preserves the court's power on motion in limine to prevent parties, witnesses, or attorneys from bringing before the jury by indirection or otherwise any inadmissible fact, matter, or circumstance. Although such motions generally are made before trial, there is no reason why when appropriate they could not as well be made after commencement of the trial.

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Dr. Eldon D. Johnson	<i>Director, Research Planning and Information</i>	
Charles S. Coody	<i>Director, Division of Legal Services</i>	
<i>Employees' Retirement System of Alabama</i>		832-4140
David G. Bronner	<i>Secretary-Treasurer</i>	
<i>Energy, Alabama Department of</i>		832-5010
Fred Braswell	<i>Director</i>	
<i>Engineers and Land Surveyors, State Board of</i>		
<i>Registration for Professional</i>		832-6100
Sarah E. Hines	<i>Executive Secretary</i>	
<i>Entomologists, Horticulturists, Floriculturists and</i>		
<i>Tree Surgeons, Board to Examine</i>		832-3753
Albert McDonald	<i>Chairman</i>	
<i>Environmental Management, Alabama Dept. of</i>		834-1303
Joe B. Broadwater	<i>Director</i>	
<i>Ethics Commission</i>		832-5871
Melvin G. Cooper	<i>Director</i>	
<i>Examiners of Public Accounts, Dept., of</i>		832-6625
Ronald L. Jones	<i>Chief Examiner</i>	
<i>Executive Department, Governor's Office</i>		832-3511
George C. Wallace	<i>Governor</i>	
Elvin Stanton	<i>Executive Assistant</i>	
Kenneth D. Wallis, Jr.	<i>Legal Advisor</i>	
Billy Joe Camp	<i>Press Secretary</i>	
Linda Oliver	<i>Recording Secretary</i>	
<i>Farmers' Market Authority</i>		832-3734
William M. Arrington	<i>Administrator</i>	
<i>Finance Department</i>		832-3601
Henry B. Steagall, II	<i>Director</i>	
A. H. Mitchell	<i>Assistant Director</i>	
Howard L. White, Jr.	<i>Purchasing Agent</i>	
Tom Brassell	<i>State Comptroller</i>	
Charles Rowe	<i>Acting Budget Officer</i>	
Guy Hayes	<i>Legal Counsel</i>	
Don Drablos	<i>Chief, Division of Service</i>	
Thomas David Weston	<i>Manager, Insurance Fund</i>	
James H. Rowell	<i>Data Systems Management Division</i>	
Mickey McGee	<i>Personnel Officer</i>	
John Brooks	<i>Printing and Publication Division</i>	

OFFICIALS OF THE STATE OF ALABAMA — Continued

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Roy L. Thornell	
<i>Forensic Sciences, Dept. of</i>	887-7001
Carlos L. Rabren	<i>Director</i>
P. O. Box 231, Auburn, Al. 36830	
<i>Forestry Commission, Alabama</i>	832-6587
Cecil W. Moody	<i>State Forester</i>
<i>Foresters, State Board of Registration For</i>	832-6588
Robert M. Nonnemacher	<i>Chairman</i>
Frank E. Jones	<i>Secretary</i>
Pamela B. Sears	<i>Office Manager</i>
<i>Funeral Services, Board of</i>	832-6974
Warren Higgins	<i>Executive Secretary</i>
<i>Geological Survey of Alabama</i>	349-2852
Dr. Ernest Mancini	<i>State Geologist</i>
P. O. Drawer O, University of Alabama	35486
<i>Health, Department of Public</i>	
Dr. Ira L. Meyers	<i>State Health Officer</i>
	832-3120
Fred Sims	<i>Director, Div. of Finance</i>
	832-3140
Cecil McCall	<i>Director, Internal Audit</i>
	832-5887
Robert B. Finley	<i>Intoxication Standards, Testing</i>
	<i>and Control</i>
	832-3120
James T. Pons	<i>Legal Counsel, Legal Division</i>
	832-3240
Ronald E. Goertz	<i>Director, Personnel</i>
	<i>and Training Services</i>
	832-3113
William D. Brooks	<i>Programs Integrity Officer,</i>
	<i>Personnel and Training Services</i>
	832-3113
H. E. Harrison	<i>Director, Bureau of</i>
	<i>Area Health Services</i>
	832-3186
James L. Holston, Dr. P.H.	<i>Director,</i>
	<i>Clinical Laboratory Administration</i>
	277-8660
University Drive	
Dr. Naseeb L. Shory	<i>Director, Bureau of</i>
	<i>Dental Health</i>
	832-6520

OFFICIALS OF THE STATE OF ALABAMA — Continued

W. T. Willis	Director, Environmental Health Administration	832-3176, 832-3184, 832-3185
Wallace E. Birch, D. V. M.	State Epidemiologist & Director Bureau of Epidemiology and Consultation	832-3373
Beverly W. Boyd, M.D.	Director, Family Health Administration	832-6525
434 Monroe Street		
Tigner S. Zorn	Director, Bureau of Licensure and Certification	832-3250
Grover C. Dick	Director, Bureau of Preventative Health Services	832-3204
Anne M. Smith	Director, Bureau of Public Health Nursing	832-3243
Forest E. Ludden, Ed.D.	Director, Special Services Administration	832-3960
State Health Planning and Development Agency		832-5994
Alan Koch	Executive Director	
Highway Department, State		832-5440
Ray D. Bass	Director	
Highway Patrol (See Public Safety)		
Highway Traffic Safety		832-5973
Ruby Noonan	Coordinator	
Industrial Relations, Department of		832-3626
William R. Heatherly	Director	
James Hollon	Director, Unemployment Compensation Division	
Jerry Scharf	Chief of Safety and Inspection Division	
Clifford DePriest	Employment Service Director	
James Cogdell	Deputy State Programs Administrator	
Robert E. Weller	State Programs Administrator	
Douglas Dyer	Chief, Research and Statistics	
Otto P. Hammonds	Personnel and Training Officer	
Mark Davis	Acting Chief, Workmen's Compensation Division	
Byron Abrams	Physical and Budget Office	
Frank Willett	Chief, Administrative Analysis Division	
George Cocoris	General Counsel	

OFFICIALS OF THE STATE OF ALABAMA — Continued

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Joyce Murphree	<i>Public Information Officer</i>	
George Register	<i>Manager, Employer Relations and Placement Operation</i>	
Decker Terry	<i>Data Center Manager</i>	
Erskine Banks	<i>EEO Officer</i>	
Dr. Mary Louise Simms	<i>SOICC Director</i>	
<i>Insurance, State Department of</i>		832-6140
W. G. Ward, Jr.	<i>Commissioner</i>	
Paul Raadt	<i>Chief Examiner</i>	
Tharpe Forrester	<i>Chief Fire and Casualty Division</i>	
<i>Labor, Department of</i>		832-6270
Allen Pate	<i>Commissioner</i>	
<i>Legislative Fiscal Office</i>		832-3996
Bill Newton	<i>Director</i>	
<i>Legislative Reference Service</i>		832-3496
Louis G. Greene	<i>Director</i>	
<i>Liquified Petroleum Gas Board, Alabama</i>		832-5861
Leonard Pakruda	<i>Administrator</i>	
<i>Medical Examiners, State Board of</i>		832-6890
Dr. Robert Parker	<i>Secretary</i>	
<i>Medical Services Administration</i>		277-2710
Faye Baggiano	<i>Commissioner</i>	
<i>Medical Technicians Examiners, Board of</i>		897-6340
Harold Moody	<i>Secretary</i>	
P. O. Box 597, Elba, Al. 36323		
<i>Mental Health, State Department of</i>		834-4350
Ken Wallis	<i>Mental Health Receiver</i>	
Dr. Clark Case, Griel	<i>Head Director</i>	
T. J. Callander	<i>Supt., Bryce Hospital</i>	
Jaime Condom	<i>Supt., So. Searcy Hospital</i>	
Don Schofield	<i>Director, Division of Mental Illness</i>	
Jerry Thrasher	<i>Director, Mental Retardation</i>	
<i>Military Department</i>		272-6450
William A. Hornsby	<i>Adjutant General</i>	
<i>Nursing, Board of</i>		832-5747
Miss Betty Tomlin	<i>Executive Officer</i>	

OFFICIALS OF THE STATE OF ALABAMA — Continued

<i>Optometry, State Board of</i>	687-2545
Dr. Willard Smith	
P.O. Box 286, Eufaula, Al. 36027	
<i>Oil and Gas Board, State</i>	349-2852
Thomas J. Joiner	<i>Supervisor</i>
P. O. Drawer O, University of Alabama	35486
<i>Pardons and Paroles, State Board of</i>	832-3070
David H. Williams	<i>Executive Director</i>
<i>Peace Officers, Standards and Training Commission</i>	832-6760
James Jackson	<i>Executive Secretary</i>
<i>Pensions and Securities, State Dept. of</i>	832-6570
Dr. Leon Frazier	<i>Commissioner</i>
Knox Gilmore Jennings	<i>Deputy Commissioner</i>
Roderick Benton	<i>Program Administrator</i>
<i>Personnel Department</i>	832-6120
Halylon Ballard	<i>Director</i>
<i>Pharmacy, Alabama Board of</i>	252-8976
J. W. McLane	<i>Secretary</i>
2312 City Federal Bldg. Birmingham, Al. 35203	
<i>Physical Fitness, Commission on</i>	832-5686
Daniel Long	<i>Executive Director</i>
<i>Physical Therapy, State Board</i>	
Suite 220, 777 Lawrence Street Montgomery, Al. 36104	
Elizabeth L. Bostick	
2312 Glendale Gardens Tuscaloosa, Al. 35401	
<i>Pilotage Commission, State</i>	
E. Roberts Leatherbury	<i>Chairman</i>
P. O. Box 2188 Mobile, Al. 36601	
<i>Psychology, State Board of Examiners</i>	533-1970
Roger C. Rinn, Ph.D.,	<i>Chairman</i>
Huntsville—Madison Co. Health Center	
<i>Public Accountancy, State Board</i>	834-7650
Joseph G. Robertson,	<i>Executive Secretary</i>
1103 S. Perry Street Montgomery, Al. 36104	
<i>Public Library Service, Alabama</i>	
Anthony W. Miele	<i>Director</i>

OFFICIALS OF THE STATE OF ALABAMA — Continued

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J. L. Fuqua	Chief, Patrol Division	
H. J. Hammond	Drivers License Div. & Safety Responsibility Unit	
G. L. McGriff	Head Administrative Div.	
B. R. Milner	Chief, Bureau of Investigation & Identification	
<i>Public Service Commission, Alabama</i>		
Jim Sullivan	President	832-5174
Jim Folsom, Jr.	Associate Commissioner	
Wallace Tidmore	Secretary	
Lynn Greer	Associate Commissioner	
<i>Publicity and Information, State Bureau of</i>		
Mrs. Caroline Cavanaugh	Director	832-5510
<i>Purchasing Agent, State</i>		
Howard L. White, Jr.		832-3580
<i>Real Estate Commission</i>		
Mrs. Mary Goodwin	Director	832-3266
<i>Revenue, Department of</i>		
James C. White	Commissioner	832-5780
Sam L. Evans	Assistant Commissioner	
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B. Frank Loeb	Chief, Legal Division	
J. R. Barnes	Chief, Sales and Use Tax Division	
V. S. McElvy	Chief, Income Tax Division	
Robert B. McCain	Chief, Motor Vehicle Division	
James M. Bradshaw	Chief, Motor Fuels Tax Division	
Ernest Broadhead	Chief, Franchise Tax Division	
Gene T. Gentry	Chief, Field Division	
James K. Green	Chief, Ad Valorem Tax Division	
Wayne Whitmore	Chief, Computer Service Division	
<i>Securities Commission, State</i>		
Thomas L. Krebs	Director	832-5733
<i>Social Security, State Agency</i>		
J. Ben Swindle	Director	832-5080
<i>Soil and Water Conservation Committee, State</i>		
James J. Plaster	Executive Secretary	832-3727
<i>Teachers' Retirement System of Alabama</i>		
David G. Bronner	Secretary-Treasurer	832-4140

OFFICIALS OF THE STATE OF ALABAMA — Continued

<i>Television Commission, Alabama Educational</i>	328-8756
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2101 Magnolia Ave., Birmingham, Al.	35256
<i>Trooper, State (See Public Safety)</i>	
<i>Unemployment Compensation Division (See</i>	
Department of Industrial Relations)	
<i>Veterans Affairs, State Department of</i>	832-3163
Roy C. McGinnis	<i>Director</i>
<i>Veterinary Medical Examiners, Ala. State Board</i>	353-2435
Dr. Ray Ashwander	<i>Secretary-Treasurer</i>
Decatur, Al.	
<i>Water Improvement Commission</i>	277-3630
Dr. Ira L. Myers	<i>Chairman</i>
<i>White House Association, The</i>	
First White House of the Confederacy	
Mrs. John H. Napier, III	<i>Regent</i>
<i>Women's Commission, Ala.</i>	
Margaret D. Sizemore	
9 Office Park Circle, Room 106	
Birmingham, Al.	35223

SUPREME COURT OF ALABAMA

P. O. Box 218

Montgomery, Alabama 36101

The Honorable C. C. Torbert, Jr.	832-6434
<i>Chief Justice</i>	
The Honorable Alva Hugh Maddox	832-6470
<i>Associate Justice</i>	
The Honorable James H. Faulkner	832-6568
<i>Associate Justice</i>	
The Honorable Richard L. Jones	832-6454
<i>Associate Justice</i>	(Birmingham) 870-2801
The Honorable Reneau P. Almon	832-6428
<i>Associate Justice</i>	
The Honorable Janie L. Shores	832-5093
<i>Associate Justice</i>	(Birmingham) 870-2801
The Honorable T. Eric Embry	832-6440
<i>Associate Justice</i>	(Birmingham) 934-2720
The Honorable Samuel A. Beatty	832-6443
<i>Associate Justice</i>	(Tuscaloosa) 348-5925
The Honorable Oscar W. Adams	832-6430
<i>Associate Justice</i>	

ADMINISTRATIVE OFFICE OF COURTS

817 South Court Street
Montgomery, Al. 36130

Alan L. Tapley, *Administrative Director* 834-7990

ALABAMA COURT OF CRIMINAL APPEALS

P. O. Box 351
Montgomery, Al. 36101

The Honorable John O. Harris 832-3637
Presiding Judge

The Honorable John C. Tyson, III 832-3589
Judge

The Honorable Hubert L. Taylor 832-6451
Judge

The Honorable Sam Taylor 832-3509
Judge

The Honorable William M. Bowen, Jr. 832-5199
Judge

ALABAMA COURT OF CIVIL APPEALS

2600 East South Boulevard
Montgomery, Al. 36116

The Honorable L. Charles Wright 832-6417
Presiding Judge

The Honorable Robert P. Bradley 832-6421
Judge

The Honorable Richard L. Holmes 832-6424
Judge

CLERKS OF APPELLATE COURTS

State of Alabama
September, 1980

The Honorable J. O. Sentell 832-6480
Clerk of the Supreme Court

Judicial Building

Montgomery, Al. 36130

The Honorable Mollie Jordan 832-6496
Clerk, Court of Criminal Appeals

Judicial Building

Montgomery, Al. 36130

The Honorable John H. Wilkerson, Jr. 832-3980
Clerk, Court of Civil Appeals

2600 East South Blvd.

Montgomery, Al. 36116

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Jacksonville, Al. 36265

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Livingston, Al. 35470

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- President* Asa N. Green, LL.D.

THE UNIVERSITY OF ALABAMA SYSTEM

Office of the Chancellor

P. O. Box BT

University, Al. 35486

Telephone 348-5121

- Chancellor* Joseph F. Volker, D.D.S., Ph.D.

PUBLIC HIGHER EDUCATION AGENCIES

Alabama Commission on Higher Education
Dr. Joseph T. Sutton, Executive Director Montgomery

Department of Postsecondary Education
Dr. Howard B. Gundy, Chancellor Montgomery

STATE UNIVERSITIES

Alabama Agricultural and Mechanical University
R. D. Morrison, President Normal

Alabama State University
Robert L. Randolph, President Montgomery

Athens State College
James R. Chasteen, President Decatur

Auburn University
Wilford S. Bailey, Acting President Auburn

Auburn University at Montgomery
James O. Williams, Chancellor Montgomery

Jacksonville State University
Theron Montgomery, President Jacksonville

Livingston University
Asa Green, President Livingston

Troy State University
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Troy State University at Fort Rucker
Robert Paul, President Fort Rucker

Troy State University at Montgomery
Gene Elrod, Vice President Montgomery

University of Alabama
Joab Thomas, President University

University of Alabama in Birmingham
S. Richardson Hill, Jr., President Birmingham

University of Alabama in Huntsville
John C. Wright, President Huntsville

University of Montevallo
James F. Vickrey, Jr., President Montevallo

University of North Alabama
Robert M. Guillot, President Florence

University of South Alabama
Frederick P. Whiddon, President Mobile

ALABAMA STATE JUNIOR COLLEGES

<i>Alexander City State Junior College</i>	
W. Byron Causey, President	Alexander City
<i>Bishop State Junior College</i>	
Yvonne Kennedy, President	Mobile
<i>Brewer State Junior College</i>	
Tommy M. Boothe, President	Fayette
<i>Chattahoochee Valley Community College</i>	
James Owen, President	Phenix City
<i>Jefferson Davis State Junior College</i>	
George McCormick, President	Brewton
<i>Enterprise State Junior College</i>	
Joseph D. Talmadge, President	Enterprise
<i>Faulkner State Junior College</i>	
Gary Branch, President	Bay Minette
<i>Gadsden State Junior College</i>	
Arthur W. Dennis, President	Gadsden
<i>Patrick Henry State Junior College</i>	
James R. Allen, President	Monroeville
<i>Jefferson State Junior College</i>	
Judy Merritt, President	Birmingham
<i>Lawson State Community College</i>	
Jessee Lewis	Birmingham
<i>Northeast Alabama State Junior College</i>	
Charles M. Pendley, President	Rainsville
<i>Northwest Alabama State Junior College</i>	
Charlie W. Britnell, President	Phil Campbell
<i>Shelton State Community College</i>	
Leo Sumner, President	Tuscaloosa
<i>Snead State Junior College</i>	
William H. Osborn, President	Boaz
<i>Southern Union State Junior College</i>	
L. Ray Jones, President	Wadley
<i>Wallace State Community College</i>	
Nathan L. Hodges, President	Dothan
<i>Wallace State Community College</i>	
James C. Bailey, President	Hanceville

ALABAMA STATE JUNIOR COLLEGES — Continued

George Corley Wallace St. Community College
Charles L. Byrd, President Selma

Lurleen B. Wallace State Junior College
William H. McWhorter, President Andalusia

STATE TECHNICAL SCHOOLS

Alabama Aviation & Technical College
James G. Sasser, President Ozark

Alabama Industrial Development Trng. Inst.
George L. Howard, President Montgomery

Alabama Technical College
Robert W. Howard, President Gadsden

Atmore State Technical Institute
Malcolm A. Jones, President Atmore

Ayers State Technical College
Pierce C. Cain, President Anniston

Bessemer State Technical College
Charles L. Payne, President Bessemer

Calhoun State Community College
James R. Chasteen, President Decatur

Carver State Technical College
Earl Roberson, President Mobile

Chattahoochee Valley St. Community College
James E. Owen, President Phenix City

Drake State Technical College
Johnny L. Harris, President Huntsville

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Norman C. Cephus, President Tuscaloosa

Gadsden State Technical Institute
Robert W. Howard, President Gadsden

Hobson State Technical College
H. Hoyt Jones, President Thomasville

Ingram State Technical College
Murry C. Gregg, President Deatsville

Lawson State Community College
Jesse Lewis, President Birmingham

STATE TECHNICAL SCHOOLS — Continued

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<i>Muscle Shoals State Technical College</i> Hugo A. Barton, President	Muscle Shoals
<i>Northwest Alabama State Technical College</i> Wayne Cobb, President	Hamilton
<i>Nunnelley State Technical College</i> James H. Cornell, President	Childersburg
<i>Opelika State Technical College</i> Robert G. Brown, President	Opelika
<i>Patterson State Technical College</i> James L. Taunton, President	Montgomery
<i>Reid State Technical College</i> Wiley Salter, President	Evergreen
<i>Shelton State Community College</i> Leo Sumner, President	Tuscaloosa
<i>Southwest State Technical College</i> Donald S. Jefferies, President	Mobile
<i>Sparks State Technical College</i> M. Motier Cope, President	Eufaula
<i>Trenholm State Technical College</i> Thad C. McClammy, President	Montgomery
<i>Walker State Technical College</i> Harold Wade, President	Sumiton
<i>Wallace State Community College at Dothan</i> Nathan L. Hodges, President	Dothan
<i>Wallace St. Community College at Hanceville</i> James C. Bailey, President	Hanceville
<i>George Corley Wallace State Community College at Selma</i> Charles L. Byrd, President	Selma

PRIVATE INSTITUTIONS

SENIOR COLLEGES AND UNIVERSITIES

<i>Alabama Christian College</i> Ernest Clevenger, President	Montgomery
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SENIOR COLLEGES AND UNIVERSITIES — Continued

<i>Birmingham-Southern College</i>	
Neal R. Berte, President	Birmingham
<i>Huntingdon College</i>	
Allen K. Jackson, President	Montgomery
<i>Judson College</i>	
Norman H. McCrummen, President	Marion
<i>Miles College</i>	
W. Clyde Williams, President	Birmingham
<i>Mobile College</i>	
William K. Weaver, Jr., President	Mobile
<i>Oakwood College</i>	
Calvin B. Rock, President	Huntsville
<i>Samford University</i>	
Thomas E. Corts, President	Birmingham
<i>Selma University</i>	
Wilson Fallin, Jr., President	Selma
<i>Southeastern Bible College</i>	
Alden A. Gannett, President	Birmingham
<i>Spring Hill College</i>	
Rev. Paul S. Tipton, President	Mobile
<i>Stillman College</i>	
Cordell Wynn, President	Tuscaloosa
<i>Talladega College</i>	
Raldolph Bromery, President	Talladega
<i>Tuskegee Institute</i>	
Benjamin F. Payton, President	Tuskegee Institute

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<i>Alabama Lutheran College</i>	
Willis L. Wright, President	Selma
<i>Concordia College</i>	
Julius Jenkins, President	Selma
<i>Lomax-Hannon Junior College</i>	
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<i>Marion Military Institute</i>	
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Selma University

M. C. Cleveland, Jr., President..... Selma

Walker College

David J. Rowland, President..... Jasper

ROSTER OF THE SENATE OF ALABAMA

1983

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John Teague, <i>President Pro-Tem</i>	Childersburg
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
<i>District No. 1</i>	
Bobby Denton	119 Tremont, Tuscumbia 35674
<i>District No. 2</i>	
Roger Bedford	Box 669, Russellville 35653
<i>District No. 3</i>	
Gary Aldridge	215 E. Moulton, Decatur 35601
<i>District No. 4</i>	
Steve Cooley	P. O. Box 1186, Cullman 35055
<i>District No. 5</i>	
Charles Bishop	Rt. 5, Box 219-G, Jasper 35501
<i>District No. 6</i>	
Jim Smith	1820 Carson Lane, Huntsville 35805
<i>District No. 7</i>	
Bill Smith	2203 Colice, S.E., Huntsville 35801
<i>District No. 8</i>	
Lowell Barron	Box 65, Fyffe 35978
<i>District No. 9</i>	
Hinton Mitchem	P. O. Box 297, Albertville 35950
<i>District No. 10</i>	
Larry Keener	120 Argyle Ln., Gadsden 35901
<i>District No. 11</i>	
Bill Cabaniss, Jr.	3812 Forest Glen Dr., Birmingham 35213
<i>District No. 12</i>	
John Amari	737 Meadowbrook Dr., Birmingham 35216
<i>District No. 13</i>	
Richmond J. Pearson	1738 3rd Ave., N., Birmingham 35203

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 Mac Parsons 105 Huaghton, Hueytown 35020
- District No. 15*
 Earl Hilliard 1625 Castleberry,
 Birmingham 35214
- District No. 16*
 Ryan deGraffenried Box 2427, Tuscaloosa 35403
- District No. 17*
 Spencer Bachus 2528 Altadena Forest,
 Birmingham 35243
- District No. 18*
 Lister Hill Proctor 121 N. Norton Ave.,
 Sylacauga 35150
- District No. 19*
 John Teague Box 427, Childersburg 35044
- District No. 20*
 Donald Holmes 1915 Robinhood Dr.,
 Oxford 36203
- District No. 21*
 Ted Little P. O. Box 342, Auburn 36830
- District No. 22*
 Danny Corbett Rt. 4, Box 821, Phenix City 36867
- District No. 23*
 Foy Covington, Jr. Rt. 2, Newville 36353
- District No. 24*
 Chip Bailey 1406 Denton Rd.,
 Dothan 36303
- District No. 25*
 Crum Foshee, Jr. 310 Baisden St.,
 Andalusia 36420
- District No. 26*
 Don Harrison 3723 Malabar Rd.,
 Montgomery 36116
- District No. 27*
 Larry Dixon 820 E. Fairview Ave.,
 Montgomery 36106
- District No. 28*
 Wendell Mitchell P. O. Box 227, Luverne 36049

ROSTER OF THE SENATE OF ALABAMA—Continued

<i>District No. 29</i>	
Earl Goodwin	Box 886, Selma 36701
<i>District No. 30</i>	
Ed Robertson	Box 331, Northport 35476
<i>District No. 31</i>	
Reo Kirkland, Jr.	P. O. Box 646, Brewton 36427
<i>District No. 32</i>	
Jerry Boyington	Rt. 1, Box 30-A, Fairhope 36532
<i>District No. 33</i>	
Michael A. Figures	308 Cedar St., Mobile 36617
<i>District No. 34</i>	
Ann Bedsole	25 Edgefield Rd., Mobile 36608
<i>District No. 35</i>	
Bill Menton	Rt. 2, Box 171, Irvington 36544

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA****1983**

Tom Drake, <i>Speaker</i>	Cullman
Roy Johnson, <i>Speaker Pro-Tem</i>	Tuscaloosa
John W. Pemberton, <i>Clerk</i>	Montgomery
Lois Allen, <i>Chief Clerk</i>	Montgomery

MEMBERS OF THE HOUSE

<i>District No. 1</i>	
Charles Ashley	Rt. 3, Box 240, Killen 35645
<i>District No. 2</i>	
Nelson Starkey	168 Cedarcrest Dr., Florence 35630
<i>District No. 3</i>	
Tom Coburn	1107 E. 3rd St., Tusculmbia 35674
<i>District No. 4</i>	
Joe Goodwin	310 Ford Rd., Muscle Shoals 35660
<i>District No. 5</i>	
Jack Lauderdale	Rt. 1, Box 238, Hamilton 35570

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- District No. 6*
Max Newman P. O. Box 428,
Millport 35576
- District No. 7*
Roger Dutton P. O. Box 32, Trinity 35673
- District No. 8*
Charles Martin 1716 Camellia Dr., S.W.,
Decatur 35601
- District No. 9*
Paul Parker 303 N. Douglas,
Hartselle 35640
- District No. 10*
Tom Drake P. O. Box 1165, Cullman 35055
- District No. 11*
Bill Bowling Rt. 2, Hanceville 35077
- District No. 12*
Carl Brakefield P. O. Box G,
Carbon Hill 35549
- District No. 13*
Tom Nicholson P. O. Box 248, Jasper 35501
- District No. 14*
Jim Wright 4005 Harris Ave.,
Adamsville 35005
- District No. 15*
Arthur Payne 2825 2nd St., N.W.,
Birmingham 35215
- District No. 16*
Tommy Carter Route 2, Elkmont 35620
- District No. 17*
Tom Butler 1803 Forney Dr.,
Huntsville 35805
- District No. 18*
Morris Brooks 9009 Randall,
Huntsville 35802
- District No. 19*
Dewayne Freeman 336 Jack Coleman,
Huntsville, 35805
- District No. 20*
Robert Albright 2024 Stanhope Dr., N.E.,
Huntsville 35811

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- District No. 21*
Steve Hettinger 100 Calhoun St.,
Huntsville 35801
- District No. 22*
Albert Hall P. O. Box 275, Gurley 35748
- District No. 23*
Ben Richardson 1702 Elaine,
Scottsboro 35768
- District No. 24*
David Stout Box 1106, Ft. Payne 35967
- District No. 25*
Euclid Raines Rt. 1, Box 326,
Albertville 35950
- District No. 26*
Loyd Coleman P. O. Box 67, Arab 35016
- District No. 27*
Bob Harvey Rt. 4, Oneonta 35121
- District No. 28*
Joe Ford 1316 Kentucky Ave.,
Gadsden 35903
- District No. 29*
Bill Drinkard P. O. Box 372, Gadsden 35902
- District No. 30*
Bobby Junkins 254 College St.,
Gadsden 35905
- District No. 31*
Van Scott, M.D. 3100 Guilford Rd.,
Birmingham 35223
- District No. 32*
George Seibels, Jr. 4016 10th Ave., S.,
Birmingham 35222
- District No. 33*
Jim Bennett 416 Elder Oaks Way,
Homewood 35209
- District No. 34*
George L. Layton 2305 6th Place, N.W.,
Birmingham 35215
- District No. 35*
Jack Biddle, III 2256 Pinehurst Dr.,
Gardendale 35071

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

<i>District No. 36</i>	
Pat Davis	9312 Sears Dr., Birmingham 35206
<i>District No. 37</i>	
Howard Nevett	5028 Parkway, Fairfield 35064
<i>District No. 38</i>	
John Rogers	1424 18th St., S.W., Birmingham 35211
<i>District No. 39</i>	
Fred Horn	333 16th Ave., S.W., Birmingham 35211
<i>District No. 40</i>	
Hoyt Trammell	Rt. 15, Box 247, Birmingham 35224
<i>District No. 41</i>	
Asbury Howard	1930 Exeter Ave., Bessemer 35020
<i>District No. 42</i>	
Hugh Boles	2601 Carson Rd., Birmingham 35215
<i>District No. 43</i>	
Jerome Tucker	1722 2121 Bldg., 8th Avenue, N., Birmingham 35203
<i>District No. 44</i>	
Jarushia Thornton	1232 Twelfth Court, N., Birmingham 35204
<i>District No. 45</i>	
Sundra Escott	1500 Hibernian, Birmingham 35214
<i>District No. 46</i>	
Bryant Melton	4129 20th St., Tuscaloosa 35401
<i>District No. 47</i>	
Roy Johnson	4501 20th St., N.E., Tuscaloosa 35404
<i>District No. 48</i>	
Walter Owens	107 Court Square, Centreville 35042

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

<i>District No. 49</i>	
Tom Stubbs	3485 Helena Rd., Helena 35080
<i>District No. 50</i>	
Duane Lewis	732 Castlewood, Bessemer 35020
<i>District No. 51</i>	
J. T. Waggoner	1829 Mission Rd., Birmingham 35216
<i>District No. 52</i>	
Sonny Moore	Box 156, Leeds 35094
<i>District No. 53</i>	
Curtis Smith	Rt. 3, Box 118, Clanton 35045
<i>District No. 54</i>	
Ron Johnson	Rt. 5, Box 17, Sylacauga 35150
<i>District No. 55</i>	
Jim Preuitt	Rt. 1, Box 364-A, Munford 36268
<i>District No. 56</i>	
A. J. Blake	Rt. 1, Pell City 35125
<i>District No. 57</i>	
Glen Browder	Rt. 2, Box 316, Jacksonville 35265
<i>District No. 58</i>	
Bobby Crow	Rt. 10, Box 842, Anniston 36201
<i>District No. 59</i>	
Jim Campbell	Box 2003, Anniston 36202
<i>District No. 60</i>	
John Casey	207 Duke Drive, Heflin 36264
<i>District No. 61</i>	
Richard Laird	24 Main St., Roanoke 36274
<i>District No. 62</i>	
Lester White	739 Freeman St., Dadeville 36853
<i>District No. 63</i>	
Pete Turnham	Box 1592, Auburn 36830

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- District No. 64*
John Rice P. O. Box 2432, Opelika 36801
- District No. 65*
Al Johnson P. O. Box 1126,
Phenix City 36867
- District No. 66*
Charles Adams 4007 27th Avenue,
Phenix City 36867
- District No. 67*
Thomas Reed Drawer EE, Tuskegee Inst.,
Tuskegee 36088
- District No. 68*
Steve Flowers 115 Sussex Avenue,
Troy 36081
- District No. 69*
Jim Sasser 1208 Skipperville Rd.,
Ozark 36360
- District No. 70*
George Grimsley Rt. 1, Columbia 36319
- District No. 71*
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- District No. 72*
Nolan Williams Rt. 2, Newton 36352
- District No. 73*
Nathan Mathis P. O. Drawer L, Slocomb 36375
- District No. 74*
Jim Holley Rt. 3, Elba 36323
- District No. 75*
Seth Hammett Box 1418, Andalusia 36420
- District No. 76*
Jack Venable Box 726, Tallassee 36078
- District No. 77*
Charles Langford 918 E. Grove St.,
Montgomery 36104
- District No. 78*
John Starr, Jr. 2761 Forsyth Lane,
Montgomery 36116
- District No. 79*
Bob McKee Box 424, Montgomery 36101

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

<i>District No. 80</i>	
Alvin Holmes	2523 Drake Street, Montgomery 36108
<i>District No. 81</i>	
Ham Wilson, Jr.	2239 Country Club Dr., Montgomery 36106
<i>District No. 82</i>	
Ed Grouby	126 Quail Run, Prattville 36067
<i>District No. 83</i>	
James Thomas	Rt. 2, Box 509, Hayneville 36040
<i>District No. 84</i>	
Dwight Faulk	Rt. 2, Box 90, Honoraville 36042
<i>District No. 85</i>	
Noopie Cosby, Jr.	201 Ruth St., Selma 36701
<i>District No. 86</i>	
Jenkins Bryant, Jr.	Rt. 1, Box 126, Newbern 36765
<i>District No. 87</i>	
Rick Manley	P. O. Drawer U, Demopolis 36732
<i>District No. 88</i>	
Phil Poole	P. O. Box 207, Moundville 35474
<i>District No. 89</i>	
Earl Mitchell	P. O. Box 426, Northport 35476
<i>District No. 90</i>	
Preston Minus, Jr.	P. O. Box 312, Livingston 35470
<i>District No. 91</i>	
Frank White	Rt. 1, Box 193-B, Flomaton 36441
<i>District No. 92</i>	
Harrell Blakeney	Rt. 2, Box 172, Thomasville 36784

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- District No. 93*
Jimmy Warren Box 207, Castleberry 36432
- District No. 94*
Walter Penry, Jr. Rt. 2, Box 286,
Daphne 36526
- District No. 95*
Steve McMillan 23 Hand Ave.,
Bay Minette 36507
- District No. 96*
J. E. Turner P. O. Box 777, Citronelle 36522
- District No. 97*
Michael E. Box P. O. Box 216, Saraland 36571
- District No. 98*
William Clark 711 S. Atmore Ave.,
Prichard 36612
- District No. 99*
James Buskey 2207 Barretts Lane,
Mobile 36617
- District No. 100*
Victor Gaston 864 West Parkwood,
Mobile 36608
- District No. 101*
Ken Kvalheim 421 Dogwood Drive,
Mobile 36609
- District No. 102*
Mary Zoghby 2862 Hilburn Dr.,
Mobile 36606
- District No. 103*
Yvonne Kennedy 1205 Glennon Ave.,
Mobile 36603
- District No. 104*
Steve Clikas 5921 Cottage Hill Rd.,
Mobile 36609
- District No. 105*
Taylor Harper P. O. Box 229,
Grand Bay 36541

**LEGAL & CONTRACT INTEREST RATES, BY STATES,
JUNE 6, 1978**

	Legal Rates 1977	Contract Rates 1977
Alabama	6%	8%
Alaska	8	13
Arizona	6	10
Arkansas	6	10
California	7	10
Colorado	8	
Connecticut	6	12
Delaware	6	12
District of Columbia	6	8
Florida	6	10
Georgia	7	9
Hawaii	6	12
Idaho	8	10
Illinois	5	8
Indiana	8	
Iowa	5	9
Kansas	6	10
Kentucky	6	8½
Louisiana	7	8
Maine	6	No Limit
Maryland	6	8
Massachusetts	6	No Limit
Michigan	5	7
Minnesota	6	8
Mississippi	6	10
Missouri	6	10
Montana	6	10
Nebraska	6	11
Nevada	7	12
New Hampshire	6	No Limit
New Jersey	8	See Legal
New Mexico	6	10
New York	5-8½	See Legal
North Carolina	6	8
North Dakota	6	9½
Ohio	6	8
Oklahoma	6	
Oregon	6	10
Pennsylvania	6	6
Puerto Rico	6	9
Rhode Island	6	21
South Carolina	6	8
South Dakota	6	10
Tennessee	6	10
Texas	6	10
Utah	6	
Vermont	8½	8½

LEGAL & CONTRACT INTEREST RATES, BY STATES,
JUNE 6, 1978—Continued

	Legal Rates 1977	Contract Rates 1977
Virginia	6	8
Washington	6	12
West Virginia	6	8
Wisconsin	5	12
Wyoming	7	

- (1) 15% for corporations
- (2) 12% if loans unsecured
- (3) 15% for corporations
- (4) 15% for Corporations, where excess of \$2,500

This table summarizezes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as installment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rates that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest.

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Patron's Digest of Legal Opinions**, Interest and Usury, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.



STATE OF ALABAMA

I, Don Siegelman, Secretary of State, of the State of Alabama, do hereby certify that,
 as appears on file and of record in this office, the pages hereto attached, contain a true, accurate and literal copies
 of (1) The Life Expectancy Table based on the 1980 CSO Mortality Table
 and (2) The Annuity Factors based on the 1980 CSO Mortality Table as
 certified to me pursuant to section 35-16-1 of the Code of Alabama, 1975
 by the Commissioner of the Department of Insurance for the State of
 Alabama.



In Testimony Whereof, I have hereunto set my hand and
 affixed the Great Seal of the State, at the Capitol,
 in the City of Montgomery, on this day.

June 17, 1982

Date

Don Siegelman

Secretary of State

ANNUITY FACTORS — \$1.00 PAYABLE MONTHLY IN ADVANCE
1980 COMMISSIONERS' STANDARD ORDINARY MORTALITY TABLE (MALES)
INTEREST RATES FROM 2.0% TO 6.0% IN 0.5% INCREMENTS

AGE X	0X	2.0% INTEREST	2.5% INTEREST	3.0% INTEREST	3.5% INTEREST	4.0% INTEREST	4.5% INTEREST	5.0% INTEREST	5.5% INTEREST	6.0% INTEREST	AGE X
0	.000418	446.502119	391.592002	346.766107	310.309001	279.894338	254.407922	232.851588	214.457240	198.629445	0
1	.00107	445.186029	390.876154	346.650765	310.263117	280.023600	254.651211	233.166795	214.815809	199.012072	1
2	.00099	442.439044	388.987574	345.230569	309.231509	279.262947	254.095783	232.755067	214.508587	198.781377	2
3	.00098	439.598473	386.856196	343.730232	308.137695	278.461138	253.493977	232.303246	214.166530	198.520240	3
4	.00095	436.693792	384.787543	342.156121	307.001266	277.617839	252.861922	231.825988	213.803106	198.241121	4
5	.00090	433.714922	382.572401	340.595796	305.814559	276.729830	252.193016	231.317244	213.412744	197.938855	5
6	.00086	430.651757	380.321450	338.928656	304.569631	275.792195	251.480485	230.770770	212.989585	197.687983	6
7	.00080	427.504178	377.996794	337.196234	303.267609	274.804945	250.724960	230.187000	212.534022	197.296826	7
8	.00076	424.271139	375.589085	335.389833	301.900395	273.760551	249.919419	229.559397	212.039925	196.855641	8
9	.00074	420.950664	373.184051	333.514179	300.471948	272.662377	249.066763	228.898504	211.509598	196.430446	9
10	.00073	417.552736	370.547427	331.574039	298.986206	271.513862	248.169983	228.182955	210.945243	195.975365	10
11	.00077	414.080045	367.921211	329.570862	297.444555	270.315762	247.229625	227.437146	210.347299	195.490610	11
12	.00085	410.552046	365.242212	327.519413	295.859558	269.079819	246.256311	226.662769	209.724624	194.984419	12
13	.00099	406.993698	362.523508	325.431286	294.241923	267.815330	245.258409	225.867570	209.084375	194.463453	13
14	.00115	403.390182	359.785810	323.324762	292.608017	266.532260	244.249874	225.064207	208.438315	193.938705	14
15	.00133	399.802243	357.034871	321.205215	290.962730	265.250113	243.234663	224.256368	207.792026	193.413778	15
16	.00151	396.202552	354.276745	319.070061	289.311024	263.958977	242.217187	223.440972	207.143963	192.892467	16
17	.00167	392.597731	351.510258	316.942290	287.652070	262.661761	241.196972	222.649153	206.499522	192.374806	17
18	.00178	388.970446	348.727065	314.790444	285.979163	261.353478	240.168603	221.827596	205.852454	191.856888	18
19	.00186	385.323700	345.908248	312.605385	284.276736	260.029660	239.119112	220.997140	205.191871	191.328648	19
20	.00190	381.620217	343.041742	310.376076	282.534666	258.652110	238.039956	220.141691	204.510543	190.783454	20
21	.00191	377.850987	340.111940	308.080176	280.739735	257.238125	236.919052	219.250802	203.798791	190.212315	21
22	.00189	374.002859	337.106626	305.730271	278.901294	255.766669	235.749532	218.315830	203.048552	189.667709	22
23	.00186	370.062730	334.013472	303.298774	276.948467	254.224833	234.519377	217.327766	202.251372	188.961704	23
24	.00182	366.052021	330.826077	300.764167	274.935774	252.617400	233.274298	216.281668	201.402536	188.249910	24
25	.00177	361.889160	327.541184	298.144727	272.883640	250.922000	231.988884	215.172576	200.497091	187.527317	25
26	.00173	357.630592	324.150695	295.426710	270.688197	249.136465	230.647608	213.974500	199.529833	186.792202	26
27	.00171	353.277269	320.656213	292.610242	268.361776	247.358459	229.299411	212.746792	198.499393	185.879031	27
28	.00170	348.819415	317.061698	289.698336	265.576786	245.561347	227.505050	211.430862	197.406330	184.962163	28
29	.00171	344.260396	313.367816	286.691013	263.505336	243.580376	225.634652	209.843069	196.249151	183.992030	29
30	.00173	339.605735	309.570795	283.591089	260.980510	241.284295	223.887971	208.586247	195.028258	182.963825	30
31	.00178	334.856667	305.695618	280.398426	258.352072	239.046733	222.064116	207.058285	193.742001	181.875814	31
32	.00183	330.021027	301.726310	277.118439	255.631709	236.779860	220.368187	205.461711	192.392560	180.729852	32
33	.00191	325.096439	297.655593	273.748017	252.824052	234.430127	218.196519	203.792002	190.976202	179.522234	33
34	.00200	320.090245	293.505583	270.292270	249.933271	232.000959	216.339924	202.053870	189.494833	178.254539	34
35	.00211	315.003056	289.270263	266.750488	246.950352	229.498979	214.012746	200.243050	187.964642	176.924661	35
36	.00224	309.838402	284.952375	263.124801	243.900630	226.900984	211.809343	198.360348	186.330759	175.532118	36
37	.00240	304.599075	280.554446	259.416959	240.761277	224.231622	209.529939	196.405634	184.647381	174.076296	37
38	.00258	299.293377	276.081603	255.631182	237.543727	221.485653	207.176761	194.380629	182.897641	172.558214	38
39	.00279	293.921752	271.535896	251.768871	234.248809	218.663421	204.749577	192.284946	181.080890	170.977017	39
40	.00302	288.494021	266.921850	247.833739	230.879517	215.767293	202.250452	190.119973	179.119973	169.333424	40
41	.00329	283.001504	262.241974	243.826718	227.436267	212.797243	199.670063	187.884994	177.248445	167.622702	41
42	.00356	277.462480	257.495767	239.753404	223.923881	209.757329	197.038262	185.582906	175.234225	165.857613	42
43	.00387	271.889164	252.693932	235.689354	220.337657	206.642651	194.323057	183.268855	173.150604	164.022570	43
44	.00419	266.270133	247.829164	231.599436	216.881819	203.457229	191.353840	180.765144	170.499440	162.122624	44
45	.00455	260.533395	242.903203	227.311101	212.953003	200.197390	188.678310	178.248387	168.777130	160.154072	45
46	.00492	254.802519	237.926080	222.778401	208.156601	196.866052	185.747830	175.666000	166.484990	158.117777	46
47	.00532	249.020812	232.879194	218.368104	204.296890	193.495725	182.739204	172.792201	162.110597	156.009470	47
48	.00574	243.194980	227.778729	213.893499	201.384816	189.977900	179.655077	170.256034	161.677002	153.027662	48

Continued

51	.00730	225.457531	212.141505	200.063769	189.082591	179.074501	169.932321	161.562209	153.882103	146.820032	51
52	.00796	219.479020	206.832571	195.336790	184.062556	175.297302	166.542607	158.517612	151.131529	144.333014	52
53	.00871	213.440170	201.480514	190.562552	180.506979	171.457778	163.006557	155.393958	148.310595	141.775307	53
54	.00956	207.476361	196.119341	185.700210	176.264674	167.563472	159.570710	152.212331	145.424733	139.151742	54
55	.01047	201.476565	190.735829	180.909002	171.900414	163.622825	156.002068	148.974726	142.400285	136.465601	55
56	.01146	195.478299	185.339817	176.042850	167.500642	159.636719	152.383538	145.681330	139.477111	133.723018	56
57	.01249	189.492979	179.935900	171.153585	163.067448	155.600491	148.715600	142.334581	136.471223	130.920678	57
58	.01359	183.513103	174.520259	166.230203	158.596870	151.534188	144.994793	138.930244	133.296236	128.053954	58
59	.01477	177.540090	169.093491	161.297127	154.089005	147.413652	141.221209	135.467505	130.113007	125.122349	59
60	.01608	171.577137	163.655774	156.331204	149.544713	143.247194	137.394211	131.945957	126.866702	122.124707	60
61	.01754	165.630458	158.218283	151.348344	144.970047	139.041306	133.519207	128.370877	123.562270	119.065190	61
62	.01919	159.719866	152.787605	146.357372	140.375954	134.003309	129.605536	124.749011	120.255578	116.949331	62
63	.02106	153.832677	147.378534	141.371559	135.772676	130.546702	125.662209	121.090738	116.806445	112.706203	63
64	.02314	148.012300	142.006975	136.406251	131.175600	126.304025	121.703949	117.400733	113.376846	109.587170	64
65	.02542	142.261753	136.604826	131.472974	126.575955	122.076345	117.739416	113.712753	109.926031	106.360795	65
66	.02785	136.588807	131.419952	126.577648	122.041146	117.701208	113.777216	110.009645	106.460490	103.113395	66
67	.03044	130.991966	126.211105	121.725761	117.511227	113.547941	109.816248	106.298722	102.979479	99.044030	67
68	.03319	125.460486	121.056255	116.900122	113.003680	109.325136	105.055130	102.578570	99.481407	96.351108	68
69	.03617	120.013654	115.951124	112.124317	108.515676	105.109263	101.890398	98.845733	95.963027	93.241050	69
70	.03951	114.628993	110.897500	107.375763	104.048419	100.902201	97.923805	95.101764	92.425457	89.804977	70
71	.04330	109.328445	105.909216	102.676872	99.615952	96.716078	93.967851	91.358766	88.880324	86.523963	71
72	.04765	104.132083	101.006163	98.044046	95.336919	92.572073	90.040822	87.634424	85.344822	83.164577	72
73	.05264	99.067359	96.215534	93.506789	90.937901	88.443759	86.168146	83.953610	81.843191	79.830440	73
74	.05819	94.165076	91.568119	89.098925	86.749314	84.511727	82.379172	80.345181	78.403760	76.549353	74
75	.06419	89.443117	87.002178	84.833393	82.649705	80.644772	78.692921	76.828113	75.045404	73.340014	75
76	.07053	84.905082	82.762209	80.717710	78.765447	76.900028	75.116367	73.409734	71.775730	70.210257	76
77	.07712	80.541705	78.600451	76.744900	74.970309	73.271005	71.645151	70.086325	68.591574	67.157398	77
78	.08390	76.333542	74.570626	72.898415	71.200716	69.645619	68.265476	66.844878	65.480638	64.169775	78
79	.09105	72.253752	70.671370	69.153823	67.697599	66.299415	64.956197	63.665071	62.423341	61.228461	79
80	.09884	68.287147	66.804436	65.497786	64.164720	62.921136	61.705016	60.535893	59.409098	58.323352	80
81	.10748	64.435294	63.159091	61.932775	60.755171	59.613037	58.517575	57.460725	56.441395	55.457766	81
82	.11725	60.710281	59.570125	58.471485	57.412114	56.390365	55.405367	54.452451	53.533032	52.644615	82
83	.12826	57.138896	56.127065	55.140665	54.173048	53.277656	52.393200	51.537750	50.710533	49.910129	83
84	.14025	53.751240	52.846886	51.971133	51.125031	50.306505	49.514346	48.747410	48.004615	47.290432	84
85	.15295	50.558464	49.754129	48.975448	48.221323	47.497013	46.782630	46.086139	45.403550	44.734414	85
86	.16689	47.554286	46.841046	46.149303	45.478735	44.820810	44.184616	43.568226	42.987715	42.440914	86
87	.17955	44.715697	44.005173	43.347289	42.678150	42.030279	41.406116	40.809226	40.235504	39.683344	87
88	.19327	42.010526	41.355696	40.716053	40.091149	39.490328	38.913118	38.359026	37.827584	37.316834	88
89	.20729	39.398213	38.791361	38.244106	37.660091	37.093247	36.543240	36.009223	35.491720	34.989344	89
90	.22177	36.830965	36.311537	35.802412	35.302512	34.813140	34.334263	33.865863	33.407938	32.960479	90
91	.23698	34.253780	33.846227	33.454707	33.078430	32.716507	32.368931	32.035712	31.716879	31.412475	91
92	.25345	31.601066	31.302616	31.010434	30.734530	30.474303	30.229457	30.000000	29.785868	29.587333	92
93	.27211	28.995208	28.553556	28.131652	27.730400	27.349400	26.988400	26.647000	26.324800	26.021400	93
94	.29590	25.742512	25.555372	25.371489	25.190788	25.013185	24.838614	24.667000	24.498277	24.332474	94
95	.32996	22.375816	22.240031	22.106354	21.974738	21.845135	21.717514	21.591821	21.468019	21.346067	95
96	.38455	18.667710	18.570461	18.470425	18.368570	18.264900	18.159362	18.051994	17.942837	17.831886	96
97	.448020	14.665836	14.616049	14.566041	14.516023	14.466006	14.416000	14.366000	14.316000	14.266000	97
98	.65798	10.523765	10.504137	10.484679	10.465349	10.446085	10.427502	10.408880	10.390275	10.371925	98
99	1.00000	6.500000	6.500000	6.500000	6.500000	6.500000	6.500000	6.500000	6.500000	6.500000	99

MORTALITY TABLE (MALE)

1980 CSO AGE	LX		DX		1000 QX	EX
0	10	000 000	41	800	4.18	70.83
1		9 958 200	10	655	1.07	70.13
2		9 947 545	9	848	.99	69.20
3		9 937 697	9	739	.98	68.27
4		9 927 958	9	432	.95	67.34
5		9 918 526	8	927	.90	66.40
6		9 909 599	8	522	.86	65.46
7		9 901 077	7	921	.80	64.52
8		9 893 156	7	519	.76	63.57
9		9 885 637	7	315	.74	62.62
10		9 878 322	7	211	.73	61.66
11		9 871 111	7	601	.77	60.71
12		9 863 510	8	384	.85	59.75
13		9 855 126	9	757	.99	58.80
14		9 845 369	11	322	1.15	57.86
15		9 834 047	13	079	1.33	56.93
16		9 820 968	14	830	1.51	56.00
17		9 806 138	16	376	1.67	55.09
18		9 789 762	17	426	1.78	54.18
19		9 772 336	18	177	1.86	53.27
20		9 754 159	18	533	1.90	52.37
21		9 735 626	18	595	1.91	51.47
22		9 717 031	18	365	1.89	50.57
23		9 698 666	18	040	1.86	49.66
24		9 680 626	17	619	1.82	48.75
25		9 663 007	17	104	1.77	47.84
26		9 645 903	16	687	1.73	46.93
27		9 629 216	16	466	1.71	46.01
28		9 612 750	16	342	1.70	45.09
29		9 596 408	16	410	1.71	44.16
30		9 579 998	16	573	1.73	43.24
31		9 563 425	17	023	1.78	42.31
32		9 546 402	17	470	1.83	41.38
33		9 528 932	18	200	1.91	40.46
34		9 510 732	19	021	2.00	39.54
35		9 491 711	20	028	2.11	38.61
36		9 471 683	21	217	2.24	37.69
37		9 450 466	22	681	2.40	36.78
38		9 427 785	24	324	2.58	35.87
39		9 403 461	26	236	2.79	34.96
40		9 377 225	28	319	3.02	34.05
41		9 348 906	30	758	3.29	33.16
42		9 318 148	33	173	3.56	32.26
43		9 284 975	35	933	3.87	31.38
44		9 249 042	38	753	4.19	30.50
45		9 210 289	41	907	4.55	29.62
46		9 168 382	45	103	4.92	28.76
47		9 123 274	48	536	5.32	27.90
48		9 074 738	52	089	5.74	27.04
49		9 022 649	56	031	6.21	26.20

MORTALITY TABLE (MALE) (Continued)

1980 CSO AGE	LX		DX		1000 QX	EX
50	8	966 618	60	166	6.71	25.36
51	8	906 452	65	017	7.30	24.52
52	8	841 435	70	378	7.96	23.70
53	8	771 057	76	396	8.71	22.89
54	8	694 661	83	121	9.56	22.08
55	8	611 540	90	163	10.47	21.29
56	8	521 377	97	655	11.46	20.51
57	8	423 722	105	212	12.49	19.74
58	8	318 510	113	049	13.59	18.99
59	8	205 461	121	195	14.77	18.24
60	8	084 266	129	995	16.08	17.51
61	7	954 271	139	518	17.54	16.79
62	7	814 753	149	965	19.19	16.08
63	7	664 788	161	420	21.06	15.38
64	7	503 368	173	628	23.14	14.70
65	7	329 740	186	322	25.42	14.04
66	7	143 418	198	944	27.85	13.39
67	6	944 474	211	390	30.44	12.76
68	6	733 084	223	471	33.19	12.14
69	6	509 613	235	453	36.17	11.54
70	6	274 160	247	892	39.51	10.96
71	6	026 268	260	937	43.30	10.39
72	5	765 331	274	718	47.65	9.84
73	5	490 613	289	026	52.64	9.30
74	5	201 587	302	680	58.19	8.79
75	4	898 907	314	461	64.19	8.31
76	4	584 446	323	341	70.53	7.84
77	4	261 105	328	616	77.12	7.40
78	3	932 489	329	936	83.90	6.97
79	3	602 553	328	012	91.05	6.57
80	3	274 541	323	656	98.84	6.18
81	2	950 885	317	161	107.48	5.80
82	2	633 724	308	804	117.25	5.44
83	2	324 920	298	194	128.26	5.09
84	2	026 726	284	248	140.25	4.77
85	1	742 478	266	512	152.95	4.46
86	1	475 966	245	143	166.09	4.18
87	1	230 823	220	994	179.55	3.91
88	1	009 829	195	170	193.27	3.66
89		814 659	168	871	207.29	3.41
90		645 788	143	216	221.77	3.18
91		502 572	119	100	236.98	2.94
92		383 472	97	191	253.45	2.70
93		286 281	77	900	272.11	2.44
94		208 381	61	660	295.90	2.17
95		146 721	48	412	329.96	1.87
96		98 309	37	805	384.55	1.54
97		60 504	29	054	480.20	1.20
98		31 450	20	693	657.98	.84
99		10 757	10	757	1000.00	.50

**TOTAL POPULATION BY COUNTY: ALABAMA
1980 U.S. CENSUS OF POPULATION PRELIMINARY**

COUNTY	CODE	1980	1970	CHANGE 1970-80 PERCENT	NUMBER
AUTAUGA	AU	31972	24460	30.7	7512
BALDWIN	BA	78195	59382	31.6	18753
BARBOUR	BR	24919	22545	10.5	2376
BIPS	BI	15501	13812	12.2	1683
BLOUNT	BL	36458	26853	35.8	9605
BULLOCK	BU	10652	11824	-9.9	-1172
BUTLER	BT	21334	22007	-3.1	-673
CALHOUN	CA	119803	103032	16.2	16711
CHAMBERS	CH	39130	35356	7.6	2774
CHEROKEE	CK	18794	15606	20.4	3188
CHILTON	CT	30381	25180	20.7	5201
CHOCTAW	CV	16871	16589	1.2	192
CLARKE	CL	27639	26724	3.4	915
CLAY	CY	13706	12656	8.5	1070
CLEBURNE	CB	12642	10996	15.0	1646
COFFEE	CF	38290	34872	9.8	3418
COLBERT	CO	54324	49632	9.5	4692
CONELAH	CN	15923	15625	1.8	298
COOSA	CS	11354	10662	6.5	692
COVINGTON	CV	36216	34079	6.5	2137
CRENSHAW	CR	14033	13188	6.4	845
CULLMAN	CU	61592	52445	17.5	9147
DALE	DA	47625	42938	-10.0	-5313
DALLAS	DS	52919	55296	-4.5	-2377
DE KALB	DK	53429	41961	27.5	11448
ELMORE	EL	43330	33535	29.2	9795
ESCAMBIA	ES	38580	34906	10.0	3494
ETOWAH	ET	102543	94144	8.9	8399
FAYETTE	FA	18645	16252	14.7	2393
FRANKLIN	FR	28280	23933	18.2	4347
GENEVA	GE	24237	21924	10.6	2313
GREENE	GR	10895	10650	2.3	245
HALE	HA	15304	15888	-3.7	-584
HENRY	HE	15288	13254	15.4	2034
HOUSTON	HU	74713	56574	32.1	18139
JACKSON	JA	51326	39202	31.0	12124
JEFFERSON	JP	65800	644901	2.2	13912
LAMAR	LA	15808	14335	10.9	1563
LAUDERDALE	LD	80218	68111	17.8	12107
LAWRENCE	LV	30141	27281	10.5	2860
LEE	LE	76682	61268	25.2	15414
LIMESTONE	LI	45992	41699	10.3	4293
LOWNDES	LN	13319	12897	3.3	422
MACON	MA	26909	24841	8.3	2068
MADISON	MD	196716	186540	5.5	10176
MARENGO	MG	24820	23819	4.2	1001
MARION	MA	29687	25788	24.8	5899
MARSHALL	MS	65499	54211	20.8	11288
MOBILE	MB	328679	317308	3.5	41371
MONROE	MN	22637	20883	8.4	1754
MONTGOMERY	MT	197255	167790	17.6	29465
MORGAN	MR	89871	77306	16.3	12565
PEPPER	PE	14872	15388	-3.4	-516
PICKENS	PI	21422	20326	5.6	1129
PIKE	PK	28175	25038	12.5	3137
RANDOLPH	RA	20063	18331	9.4	1732
RUSSELL	RU	47514	45394	4.7	2120
ST. CLAIR	SC	41145	27956	47.2	13189
SHELBY	SH	64196	39037	68.9	26159
SUNTER	SU	16615	16974	-2.1	-359
TALLADEGA	TA	73718	65280	12.9	8439
TALLAPOOSA	TP	38578	33840	14.0	4738
TUSCALOOSA	TU	136081	116029	17.3	20052
WALKER	WA	69143	56246	21.2	11897
WASHINGTON	WS	16778	16241	3.3	537
WILCOX	WY	14703	16303	-9.3	-1590
WINSTON	WN	21767	16654	30.7	5113
ALABAMA		3863693	3444165	12.2	419533

SOURCE: U.S. BUREAU OF THE CENSUS,
OFFICE OF STATE PLANNING AND FEDERAL PROGRAMS

SUBJECT INDEX

ORGANIZATIONAL, FIRST SPECIAL, SECOND SPECIAL AND REGULAR SESSIONS 1983

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Acts 83-39 through 83-100 constitute the Acts of the 1983 First Special Session and may be found on pages 39 through 108 of the Acts of Alabama 1983.

Acts 83-101 through 83-207 constitute the Acts of the 1983 Second Special Session and may be found on pages 109 through 386 of the Acts of Alabama 1983.

Acts 83-208 through 83-790 constitute the Acts of the 1983 Regular Session and may be found on pages 387 through 1438 of the Acts of Alabama 1983.

The Organizational, First Special, Second Special and Regular Sessions of 1983 have been consolidated into this single index.

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